



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 20, 2012

Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown PA 18901

In re Application of	:	
CRAWFORD, TODD MICHAEL et al	:	DECISION ON PETITION
Application No. 12/148,390	:	
Filed: 04/18/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. WSI-015-2	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 18, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,390	04/18/2008	Todd Michael Crawford	WSI-015-2	3114
81712	7590	03/20/2012		
Carlineo, Spicer & Kee, LLC 2003 S. Easton Road, Suite 208 Doylestown, PA 18901			EXAMINER FERNANDEZ RIVAS, OMAR F	
			ART UNIT 2122	PAPER NUMBER
			MAIL DATE 03/20/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Robert G. Dickie :
Application No. 12/148,425 : **DECISION GRANTING PETITION**
Filed: April 18, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 2534001US1AP :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3636 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Anantha L. Gangaraju
Application No. 12/148,453
Filed: April 18, 2008
Attorney Docket No. **13108.00**

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2011, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 13, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1)

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted on January 19, 2011, does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). A copy of the Advisory Action explaining why the amendment was not accepted is enclosed with this decision.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke
Petitions Examiner
Office of Petitions

Enclosed: Copy of Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/148,453	Applicant(s) GANGARAJU, ANANTHA L.
	Examiner LINDSAY M. MAGUIRE	Art Unit 3693

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☒ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-9 and 11-20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

	/Lindsay M Maguire/ Examiner, Art Unit 3693
--	--

Continuation of 3. NOTE: New claims 21 and 22 are drawn to a magnetic stripe card which is not recited within the specification. While the specification is enabling for financial cards, which sometimes but not always are on magnetic stripe cards, the specification is not enabling for generic magnetic stripe cards. Therefore claims 21 and 22 contain new matter which is not contained in the specification and further are broader in scope than the specification.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONATHAN EUGENE WOOD
PO BOX 689
GOLETA CA 93117

MAILED

MAR 01 2012

OFFICE OF PETITIONS

In re Application of :
Wood :
do, et al. : **DECISION**
Application No. 12/148,495 :
Filed/Deposited: 21 April, 2008 :
Attorney Docket No. 1-one :

This is a decision on the petition filed on 2 February, 2012, for revival of an application abandoned due to unavoidable delay pursuant to 37 C.F.R. §1.137(a) .

The petition pursuant to 37 C.F.R. §1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have satisfied—and appears unable to satisfy—the requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

As discussed above, a review of the record reveals that:

Petitioner failed to reply timely and properly to the final Office action mailed on 16 November, 2010, with reply due absent extension of time on or before 16 February, 2011.

On 31 January, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner should know was not as of right and not a proper reply¹ if it did not *prima facie* place the application in condition for allowance, and on 20 April, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 16 February, 2011.

The Office mailed the Notice of Abandonment on 1 July, 2011.

On 2 February, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(a), but with no proper reply(i.e., an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal with fee, or an RCE (with fee and submission under 37 C.F.R. §1.114)) and an averment of unavoidable delay setting forth a history of having replied, however, as clear from above no proper reply was filed. Thus, Petitioner's showing was not that of unavoidable delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

It is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

¹ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal with fee, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

...Unavoidable Delay

As discussed above, “unavoidable” delay is the epitome of “unintentional” delay. Thus, an intentional delay precludes revival under 37 C.F.R. §137(a) (“unavoidable” delay) or 37 C.F.R. §1.137(b) (“unintentional” delay). See Maldague, 10 USPQ2d at 1478.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of “unavoidable” delay, provided it is shown that:

(A)the error was the cause of the delay at issue;

(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:

- (A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;*
- (B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or*
- (C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.*

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from

USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional."

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

Petitioner has failed to satisfy the requirements under the Rule, as discussed above.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.³

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/148,495

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of
Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

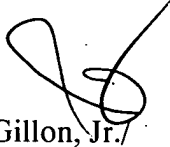
Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By facsimile:	(571) 273-8300 Attn: Office of Petitions

Application No. 12/148,495

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All
business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,542	04/17/2008	Aladar A. Szalay	33316.04802.US26/4802F	3235
13565 7590 07/07/2011 McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			EXAMINER HUMPHREY, LOUISE WANG ZHIYING	
			ART UNIT	PAPER NUMBER
			1648	
			MAIL DATE	DELIVERY MODE
			07/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
TRADEMARK OFFICE

JUL - 7 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:

Szalay et al.

Serial No.: 12/148,542

Filed: April 17, 2008

Attorney Docket No:

33316.04802.US26/4802F

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on June 27, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on July 7, 2008; October 28, 2008; December 30, 2008; December 10, 2009; and October 7, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on July 7, 2008; October 28, 2008; December 30, 2008; December 10, 2009; and October 7, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R. 1.97 and 1.98. As required under 37 C.F.R. 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on July 7, 2008; October 28, 2008; December 30, 2008; December 10, 2009; and October 7, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a Transmittal Letter" (July 7, 2008, "Transmittal Letter" of 9 pages; October 28, 2008, "Transmittal Letter" of 16 pages; December 30, 2008, "Transmittal Letter" of 6 pages; December 10, 2009, "Transmittal Letter" of 4 pages; and October 7, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of July 7, 2008; October 28, 2008; December 30, 2008; December 10, 2009; and October 7, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,566	04/21/2008	Kenneth R. Lemons	031215-000017	3249

7590 03/11/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

DONELS, JEFFREY

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/11/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 9, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

re Application of	
LEMONS, KENNETH R.	: DECISION ON PETITION
Application No: 12/148566	: ACCEPTANCE OF COLOR
Filed: 04/21/2008	: DRAWINGS
Attorney Docket No: 031215-000017	:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,569	04/21/2008	Kenneth R. Lemons	031215-000016	3833

7590 05/13/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

DONELS, JEFFREY

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/13/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 11, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
Lemons, Kenneth R. et al	:	DECISION ON PETITION
Application No. 12/148,569	:	
Filed: 04/21/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 031215-000016	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,573	04/21/2008	Kenneth R. Lemons	031215-000022	3848

7590 03/31/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

MILLIKIN, ANDREW R

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/31/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 31, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
Kenneth R. Lemons	:	DECISION ON PETITION
Application No. 12148573	:	
Filed: 4/21/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 031215-000022	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,583	04/21/2008	Kenneth R. Lemons	031215-000014	3324

7590 03/18/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

DONELS, JEFFREY

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/18/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 18, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
Kenneth R. Lemons	:	DECISION ON PETITION
Application No. 12148583	:	
Filed: 4/21/2008	:	<i>ACCEPTANCE OF COLOR</i>
Attorney Docket No. 031215-000014	:	<i>DRAWINGS</i>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,584	04/21/2008	Kenneth R. Lemons	031215-000021	3327

7590 08/16/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
----------	--------------

2171

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

08/16/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 12, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
LEMONS, KENNETH R.	:	DECISION ON PETITION
Application No. 12/148,584	:	
Filed: 04/21/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 031215-00021	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,585	04/21/2008	Kenneth R. Lemons	031215-000019	3326

30565 7590 09/13/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER	
SMITS, TALIVALDIS IVARS	

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
09/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketDept@uspatent.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

SEP 09 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of
Lemons, Kenneth
Serial No.: 12/148585
Filed: April 21st, 2008

:
:
:
:
: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR DRAWINGS**

For:
**METHOD AND APPARATUS FOR IDENTITY
VERIFICATION USING VISUAL
REPRESENTATION OF A SPOKEN WORD**

MAIL

SEP 09 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

This is a decision on the petition under 37 CFR §1.184(a)(2), filed April 21st, 2008 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS.1-11 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.



Dan Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,586	04/21/2008	Kenneth R. Lemons	031215-000015	3609

7590 04/15/2011
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

DONELS, JEFFREY

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/15/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 13, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
Kenneth R. Lemons	:	DECISION ON PETITION
Application No. 12148586	:	
Filed: 04/21/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 031215-000015	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,596	04/21/2008	Kenneth R. Lemons	031215-000012	4202
7590 06/27/2011 Woodard, Emhardt, Moriarty, McNett & Henry LLP 111 Monument Circle, Suite 3700 Indianapolis, IN 46204-5137			EXAMINER MILLIKIN, ANDREW, R	
			ART UNIT 2832	PAPER NUMBER
			NOTIFICATION DATE 06/27/2011	DELIVERY MODE ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 23, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

In re Application of	:	
Lemons, Kenneth R.	:	DECISION ON PETITION
Application No. 12/148,596	:	
Filed: 04/21/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 031215-000012	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 10, 2011

Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis IN 46204-5137

Re Application of
LEMONS, KENNETH R.

Application: **12/148615**

Filed: **04/21/2008**

Attorney Docket No: **031215-000013**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF JOHN W. HARBST
1180 LITCHFIELD LANE
BARTLETT IL 60103

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
QUIRK	:	
Application No. 12/148,640	:	ON PETITION
Filed: April 21, 2008	:	
Attorney Docket No. 10090.00.003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 22, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3711 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of :
Moessnang :
Application No. 12/148,700 :
Filed: April 21, 2008 :
Attorney Docket No. 5068.1066 :
For: VIBRATING HAND-HELD POWER
TOOL

ON PETITION

This is a decision on the petition, filed September 1, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the November 9, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on February 10, 2011. A Notice of Abandonment was mailed on June 24, 2011.

Applicant has submitted an amendment in reply to the November 9, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 9, 2010 non-final Office action, and the \$1,620.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3657 for consideration of the amendment filed on September 1, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

MAILED

JUN 27 2011

In re Application of
Bennett Liss
Application No. 12/148,731
Filed: April 21, 2008
Attorney Docket No. 20915-003US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 3, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BENNETT LISS
2026 EAST LAKESHORE DRIVE
AGOURA HILLS, CA 91301



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NETAPP (c/o SUITER SWANTZ PC LLO)
14301 FNB PARKWAY
SUITE 220
OMAHA NE 68154-5299

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of

Zansky, et al.

Application No. 12/148,743

Filed: April 21, 2008

Attorney Docket No. **P01-3989**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed March 17, 2011, which is being treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on October 3, 2010 after it was believed that a proper response was not received to the non-final Office action mailed July 2, 2010, which set a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed February 15, 2011.

Petitioner maintains that a response was filed electronically on November 2, 2010. As evidence of the same, petitioner provides a copy of the response and a copy of the Electronic Filing Acknowledgement receipt whereby the USPTO acknowledged receiving the response on November 2, 2010. The request for an extension of time within the first month obtained November 2, 2010, is of record.

Petitioner's argument has been considered and is persuasive. A review of the application file history did not reveal the November 2, 2010, filing. It is noted that petitioner's electronic Acknowledgement Receipt indicates that petitioner filed the November 2, 2010, response in application serial number 12/148,743. The Electronic Acknowledgement Receipt is akin to an Office date-stamped postcard which serves as *prima facie* evidence of receipt of the document in question by the USPTO. Based on the aforementioned, the holding of abandonment was improperly imposed as a proper response to the non-final Office action was received prior to the expiration of the period set for reply.

The amount of \$1,620.00 will be refunded, in due course.

The application file is being forwarded to Technology Center GAU 2836 for further processing which will include withdrawal of the abandonment status of the application and consideration of the response filed November 2, 2010, a copy of which was filed March 17, 2011.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NETAPP (c/o SUITER SWANTZ PC LLO)
14301 FNB PARKWAY
SUITE 220
OMAHA NE 68154-5299

In re Application of

Zansky, et al.

Application No. 12/148,743

Filed: April 21, 2008

Attorney Docket No. **P01-3989**

MAILED
JUL 18 2011
OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2011, to revive the above-identified application.

The decision treating the petition as a petition under 37 CFR 1.181, to withdraw the holding of abandonment mailed May 9, 2011, is **VACATED**¹.

The petition is **GRANTED pursuant to 37 CFR 1.137(b)**.

This application was held abandoned on October 3, 2010 after a proper response was not received to the non-final Office action mailed July 2, 2010, which set a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed February 15, 2011.

Deposit account 19-4882 will be charged \$1,620.00 for the petition fee.

The amendment filed June 28, 2011, is noted.

The application is being forwarded to Technology Center 2800, GAU 2836 for further processing.

¹ Consultation with GAU 2836 and further review of the application file record reveals that, although applicants established that a response to the non-final Office action mailed July 2, 2010, was filed on November 2, 2010, with a request for an extension of time within the first month, the amendment filed was for application serial number 12/072,720. In effect, a proper response to the non-final Office action was not filed on November 2, 2010, as the response filed was directed to another application in citation and substance. The application was, therefore, properly held abandoned on November 3, 2010. Accordingly, it is most appropriate to revive the application pursuant to 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

FARRIS LAW, P.C.
5291 COLONY DRIVE NORTH
SAGINAW MI 48638

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Savage et al. : DECISION ON PETITION
Application No. 12/148,864 :
Filed: April 23, 2008 :
Title:MOBILE STORAGE APPARATUS:

This is in response to the PETITION TO WITHDRAW HOLDING OF
ABANDONMENT - OFFICE ACTION NOT RECEIVED filed September 28,
2011.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be
filed within **TWO (2) MONTHS** of the date of this decision in
order to be considered timely. See 37 CFR §1.181(f).
Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to
file a reply to the non-final Office action mailed February 1,
2011. This Office action set a shortened statutory period for
reply of three (3) months, with extensions of time obtainable
under § 1.136(a). No reply considered timely filed and no
extension of time considered obtained, the application became
abandoned effective May 2, 2011. A courtesy Notice of
Abandonment was mailed on September 14, 2011.

In response, applicants filed the instant petition. Applicants
request withdrawal of the holding of abandonment on the basis
that the Office action mailed February 1, 2011 was never
received.

A review of the application file reveals no irregularities in
the mailing of the Office action mailed February 1, 2011. It is
noted that a prior Office action may have been returned as

undeliverable; however, with respect to the Office action mailed February 1, 2011, the record indicates that it was sent to the correspondence address of record at Farris Law, P.C. in Saginaw Michigan. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, applicants must submit evidence to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Practitioner states that the Office action was not received by the practitioner and that a search of the file jacket and docket records indicates that the correspondence was not received. IN support thereof, practitioner supplies a copy of the docket record (mail log) for the subject patent application.

This showing is not sufficient. Practitioner does not describe the system used for recording an Office action received at the correspondence address of record with the USPTO. Thus, a determination cannot be made that the system is reliable. More importantly, practitioner has not provided a copy of the master docket as required. The only docket record provided is a mail log for the present application. Is there a record where practitioner records the due dates for Office action? Further, the required showing of non-receipt requires that petitioner supply a copy of the master docket showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. Petitioner has not explained the absence of a master docket. As quoted from the MPEP above, if no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. It is also noted that practitioner should clearly state that the Office communication was not received at the correspondence address of record. Given the deficiencies in applicants' showing, it is concluded that the required showing of non-receipt has not been met.

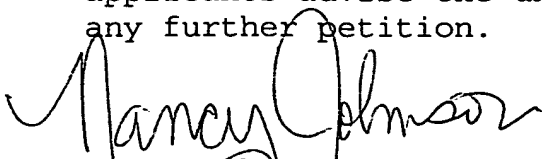
If applicants cannot provide persuasive evidence of non-receipt of the Office action, applicants may submit a petition to revive pursuant to § 1.137.

Further correspondence with respect to this decision should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219. To facilitate quick action on any renewed petition, it is recommended that applicants advise the undersigned upon the electronic filing of any further petition.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FARRIS LAW, P.C.
5291 COLONY DRIVE NORTH
SAGINAW MI 48638

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Application of :
Savage et al. : DECISION ON PETITION
Application No. 12/148,864 :
Filed: April 23, 2008 :
Title: Mobile Storage Apparatus :

This is in response to the paper styled "RE: PETITION TO WITHDRAW HOLDING OF ABANDONMENT-OFFICE ACTION NOT RECEIVED filed September 28, 2011" filed November 30, 2011, which is treated as a request for reconsideration of decision on petition.

The above-identified application became abandoned effective May 2, 2011 for failure to file a response to the final Office action mailed February 1, 2011. A courtesy Notice of Abandonment was mailed on September 14, 2011. By decision mailed September 30, 2011, the initial petition to withdraw holding of abandonment filed September 28, 2011 was dismissed. The petition was based on nonreceipt of the Office action; however, the showing of nonreceipt was determined not to be sufficient as petitioner did not make a sufficient showing of non-receipt of the Office action at the correspondence address of record.

On instant renewed petition, petitioner describes the system used for recording an Office action. Petitioner states that a search of the docket records in my Office indicate that the Office Action of February 1, 2011 was not received. The renewed petition also includes a master log of office action due date data for the four month period of February 2011 through May 2011 and petitioner states this is where the non-received Office Action would have been entered had it been received. Further,

the initial petition included a copy of the mail log page where the non-received Office action would have also been entered had it been received.

Considering this additional showing in combination with the showing made on initial petition, it is concluded that petitioner has now made an adequate showing of nonreceipt of the non-final Office action mailed February 1, 2011.

In view thereof, the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 3618 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the non-final Office action mailed February 1, 2011, and for restarting of the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

/Nancy Johnson/

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re
Marshall, et al.
Application No. 12/148,903
Filed: April 23, 2008
Patent No. 8,046,744
Issued: October 25, 2011
Attorney Docket No. 1933.1270001

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed November 15, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$985 for the issue fee is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK S. HUBERT
2300 SW FIRST AVENUE
SUITE 101
PORTLAND, OR 97201

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of
Galen Paul Zink
Application No. 12/148,963
Filed: April 23, 2008
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed December 27, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioner was not appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

There is an outstanding Office action mailed December 21, 2010 that requires a reply from the applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GALEN PAUL ZINK
8002 NE HWY 99, PMB 558
VANCOUVER, WA 98665



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK S. HUBERT
2300 SW FIRST AVENUE
SUITE 101
PORTLAND, OR 97201

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Galen Paul Zink

Application No. 12/148,963

Filed: April 23, 2008

Attorney Docket No.

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request was signed by Mark A. Hubert Jr. on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 21, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GALEN PAUL ZINK
8002 NW HWY 99, PMB 558
VANCOUVER, WA 98665



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/148,963	04/23/2008	Galen Paul Zink	

CONFIRMATION NO. 5124

POWER OF ATTORNEY NOTICE



32211
Mark S. Hubert
2300 SW First Avenue
Suite 101
Portland, OR 97201

Date Mailed: 03/16/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/08/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

MAILED

FEB 04 2011

OFFICE OF PETITIONS

In re Application of
Tsung-Hsi Tsai
Application No. 12/149,004
Filed: April 24, 2008
Attorney Docket No.: 7005.170

:
:
:
:
:

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed December 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on July 20, 2008 for a failure to timely respond to a Notice to File Missing Parts (Notice) mailed May 19, 2008. The Notice set a period for reply of two (2) months and required the statutory basic filing fee, the search fee, the examination fee and the surcharge under 37 CFR 1.16(f). A Notice of Abandonment was mailed on February 2, 2009. On December 1, 2010, the present petition was filed.

While this application has been abandoned for an extended period of time, the U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

Accordingly, the petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$165 filing fee, \$270 search fee, \$110 examination fee, and \$65 surcharge; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACKSON INTELLECTUAL PROPERTY GROUP, PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Sung-Seng Lu :
Application No. 12/149,005 : **DECISION ON PETITION**
Filed: April 24, 2008 :
Attorney Docket No. 7005.173 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2010 to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 19, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received July 28, 2010.


April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application of :
Deng-Lian Lin et al. :
Application No. 12/149,085 : **DECISION ON PETITION**
Filed: April 25, 2008 :
Attorney Docket No. 7000.155 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed May 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 15, 2008. A Notice of Abandonment was mailed January 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 6, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IANDIORIO TESKA & COLEMAN
260 BEAR HILL ROAD
WALTHAM, MA 02451

MAILED

SEP 21 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Chacon et al. :
Application No. 12/149,096 :
Filed: April 25, 2008 :
Attorney Docket No. RAY-220J (04E17A) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed, July 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 22, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 23, 2009. A Notice of Abandonment was mailed June 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,100	04/25/2008	Giora Amitzur	43914	5480

67801 7590 04/11/2012
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER

TOTH, KAREN E

ART UNIT	PAPER NUMBER
----------	--------------

3735

MAIL DATE	DELIVERY MODE
-----------	---------------

04/11/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 11, 2012

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of
AMITZUR, GIORA, ET AL
Application: **12/149100**
Filed: **04/25/2008**
Attorney Docket No: **43914**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 25, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Kenichi Mori :
Application No. 12/149146 :
Filing or 371(c) Date: 04/28/2008 : **ON PETITION**
Attorney Docket Number: LSN-2018-1981 :

This is a decision on the Petition under 37 CFR 1.181, filed July 19, 2011, requesting reversal of denial for a refund of a mistaken/erroneous IDS payment.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.183". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application was filed on April 28, 2008, and included, *inter alia*, an authorization "to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140."

Applicant filed an Information Disclosure Statement ("IDS") on February 7, 2011. The Office charged petitioner's deposit account the fee for filing an IDS, fee code 1806, \$180.00, on February 14, 2011.

The present petition

Petitioner files the present petition and provides that the IDS filed February 14, 2011, failed to include a certification statement under 37 CFR § 1.197(e)(1) or (2). Furthermore, petitioner notes that no fees filed with the IDS, because, petitioner avers, it was self-evident that a January 11, 2011 JPO Office Action issued in a counterpart foreign case and references cited therein met the criteria of CFR 1.97(e)(1).

Petitioner provides further, that rather than object to this deficiency, this Office simply charged petitioner's firm deposit account No. 14-1140 in the amount of \$180.00 (fee code 1806) on February 14, 2011.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 USC § 42(d) provides that:

The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.

37 CFR 1.26(a) states in pertinent part that:

The Director may refund any fee paid by actual mistake or in excess of that required.

37 CFR 1.97) states in pertinent part that:

(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

(1) The statement specified in paragraph (e) of this section; or

(2) **The fee set forth in § 1.17(p).**

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

(1) The statement specified in paragraph (e) of this section; and

(2) **The fee set forth in § 1.17(p).**

(e) A statement under this section mu

The MPEP 714.01, Amendments Before First Office Action, states

OPINION

The applicable statute, 35 USC 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

Here, Applicant filed an IDS, and was properly charged the fee for taking such action, to wit – the filing of the IDS. The fee for the filing of the IDS was not a fee paid when no fee was required, and was not a fee paid in an amount in excess of that required.”

In this regard, the applicable regulation, 37 CFR 1.26, requires that the money had to be paid by actual mistake, for a refund to be authorized. The mistake, however, must clearly be in relation to the payment itself in order to be refundable. Grady, supra. Rather, the amount paid herein was owed at the time it was paid, and it was paid by the representative of the applicant. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund.

In this regard, contrary to petitioner’s assertion, there was no mistake relating to the payment itself. Petitioner is reminded that the use of "shall" appears in 35 USC § 41 pertaining to collection of fees. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int’l Trade Comm’n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). That is, it is mandatory that the Director charge, and the applicant pay, the fees specified by statute upon presentation of a request for a service by the PTO. See BEC Pressure Controls Corp. v. Dwyer Instruments, Inc., 380 F.Supp. 1397, 1399, 182 USPQ 190, 192 (N.D. Ind. 1974). As such, the IDS fee was due when the IDS was submitted to the PTO on February 7, 2011, and was paid in the correct amount pursuant to petitioner’s instructions. The language of the statute does not permit the Director any discretion with respect to refunding the fee.

That Applicant may have erred in presenting the IDS to the PTO does not warrant a finding that the payment was made "by mistake." Rather, the fee was owed at the time it was paid. As noted in 37 CFR 1.26(a), petitioner's change of purpose does not constitute a “mistake” in payment warranting refund of the fees previously paid. The payment of the fee automatically was due, by statute, when petitioner presented, rightly, or wrongly, the aforementioned submission to the PTO. Thus, it is immaterial to the question of "mistake" in payment of the instant IDS filing fee that petitioner may have erred in submitting the IDS and fee to the PTO.

The fact that the fee was necessary at the time it was paid warrants a conclusion that no error in payment was involved. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955). Such is not a mistake as contemplated by the statute. Id. The submission by petitioner of a nunc pro tunc amendment/correction so as to include the certification under 37 CFR 1.97(e)(1), does not have the retroactive effect of making the previous payment an error or mistake. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955)(appeal fee paid on same day that examiner allows the application is not a fee paid by mistake within the meaning of 35 USC 42(d)); see also Opinion of the Comptroller General of the United States, 113 USPQ 28, 29 (Comp. Gen. 1957). It follows that no refund is due.

DECISION

In that Applicant has failed to establish the existence of a mistake in payment of the IDS fee within the meaning of the statute and regulation, no refund of the entire, or any fractional part thereof, is, or can be, authorized. Accordingly the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YEN JUNG SUNG
30-47 37 ST.
ASTORIA, NY 11103

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of :
Mo-Cheng Lee :
Application No. 12/149,393 : **DECISION ON PETITION**
Filed: April 30, 2008 :
Attorney Docket No. Asia-050-US3746 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 4, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 21, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 22, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1), and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In the instant application the response to the outstanding Notice received August 4, 2010 was incomplete. While it is noted that petitioner did file a reply to the Notice action mailed May 21, 2008, however, the fees were insufficient. The cost of the examination fee paid was \$100. As of September 30, 2008, the fees were increased to \$110. Petitioner must pay an additional \$10 to make the reply complete.

With respect to item 3:

Petitioner attests that the delay in filing a timely response to the Notice to File Missing Parts of Non-provisional Application was unavoidable due to the action or inaction of Bruce Troxell, the duly authorized and chosen representative of the applicant.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff’d*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Specifically, petitioner states that Bruce Troxell caused the local agents in Taiwan to believe that this application and others like it, were pending when, in fact the filing fees that had been paid in advance has been misappropriated by Mr. Troxell.

Petitioner has submitted no evidence which indicates that petitioner was misled by Mr. Troxell with respect to the above-identified application. In this regard, petitioner submitted an invoice dated April 30, 2008 along with a transmittal letter from Mr. Troxell indicating that \$515 in fees were to be paid to the USPTO. A review of the application shows that a letter from Mr. Troxell stating the filing of the application, however there is no indication that the application fees were paid.

The record also indicates that Mr. Troxell was responsible for prosecution of the above identified application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Mr. Troxell explaining why action was not timely taken to prevent the above-identified application from becoming abandoned.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Mr. Troxell, by certified or registered mail (return receipt requested) indicating that the Patent and Trademark Office is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the Patent and Trademark Office is request that Mr. Troxell provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent abandonment of the above-identified application from becoming abandoned. Petitioner is advised that in the event that Mr. Troxell does not provide such a statement, petitioner should submit a copy of such letter and the return receipt.

The USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. *Link v. Wabash*, 370 U.S. 626, 633-34 (1962); *Huston v. Ladner*, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also *Haines v. Quigg*, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Specifically, petitioner's delay caused by the mistakes or omissions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133. See *Haines v. Quigg*, *supra*; *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

While the showing of the record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of the unintentional delay.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Petitioner is reminded that the Patent and Trademark Office is not the proper forum for resolving disputes between applicants and their representatives. See *Ray v. Lehman*, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M, Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YEN JUNG SUNG
30-47 37 ST.
ASTORIA, NY 11103

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Mo-Cheng Lee :
Application No. 12/149,393 :
Filed: April 30, 2008 :
Attorney Docket No. Asia-050-US3746 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed May 27, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 21, 2008. The Notice set a period of reply of two months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of the application filing, search and examination fees and the surcharge for the late submission of the filing fee; (2) the petition fee of \$270; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing in the normal course of business.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971

MAILED

OCT 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Shin et al.	:	
Application No. 12/149,529	:	DECISION ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. 7000.313	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

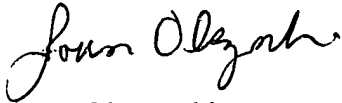
The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 23, 2008. A Notice of Abandonment was mailed on February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee, the \$165.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee; (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script, reading "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNES DICKY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of
Vladimir Ryjkov
Application No. 12/149,544
Filed: May 5, 2008
Attorney Docket No. 98731-000021/US/01

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 2, 2010 the power of attorney to Harness Dickey & Pierce, P.L.C. was revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Vladimir Ryjkov
6 Abby Road
Palmerston North NZ NEW ZEALAND



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
NOV 01 2011
OFFICE OF PETITIONS

In re Application of :
MALEVANETS :
Application No. 12/149,551 : DECISION ON PETITION
Filed: May 5, 2008 :
Docket No. 063288-0782 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 27, 2010. A Notice of Abandonment was mailed January 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3653 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/4/2011 Paper No.:
 TO SPE OF : ART UNIT 2886
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12/149563 Patent No.: 7817274 B2
 CofC mailroom date: 12/10/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
 Certificates of Correction Branch
 571-272-0460

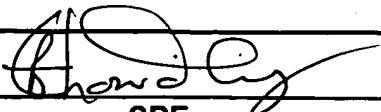
Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____


 SPE

2886
 Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/27/11

TO SPE OF : ART UNIT 1629

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149578 Patent No.: 7749993

CofC mailroom date: 04/05/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Ardin H. Marschel
ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER

AU1636

7/19/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACKSON INTELLECTUAL PROPERTY GROUP, PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of
Yuan-Chang Yu, et al.
Application No. 12/149,595
Filed: May 5, 2008
Attorney Docket No. 7000.314

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 24, 2008.

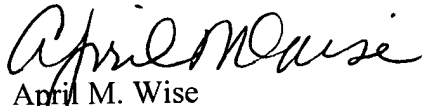
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 1, 2010.

A handwritten signature in cursive script, reading "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of	:
Andrew John EDE et al.	:
Application No. 12/149,597	: DECISION ON PETITION
Filed: May 5, 2008	:
Attorney Docket No. 064886-0109	:

This is a decision on the renewed petition filed November 5, 2009, to revive the above-identified application under the unavoidable provisions of 37 CFR 1.137(a).

The renewed petition to revive under the unavoidable provisions of 37 CFR 1.137(a) is
DISMISSED AS MOOT.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 27, 2008.

Requesting revival of the instant application in the petition filed earlier on March 9, 2009, petitioner stated, "[t]he undersigned hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(a) was unavoidable. However, in the event that the USPTO considers that the abandonment was avoidable, the undersigned submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional." Also, an authorization was given in the petition allowing the commissioner "to charge the unpaid amount, or any additional amount, to Deposit Account No. 19- 0741."

In a decision mailed September 8, 2009, the petition under the unavoidable provisions of 37 CFR 1.137(a) was dismissed for the reasons stated therein. In view of the above-noted request in the petition to consider the revival alternatively under the unintentional standards, the instant application was revived under the unintentional provisions of 37 CFR 1.137(b). The application

is currently before the Group Art Unit 3728 for examination. In view thereof the instant petition is dismissed as moot.

In regard to the refund request included in the instant petition, petitioner should note that the petitioner has received an action on the merits for the previously filed petitions under both the unavoidable and unintentional standards. As such the requested amount cannot be refunded. Petitioner is encouraged to note MPEP 607.02 which states:

Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment).

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

37 CFR 1.26(a) also states:

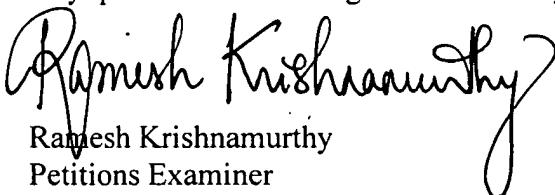
The Director may refund any fee paid by mistake or in excess of that required.

Furthermore, MPEP 711.03 (c) states that:

[T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

In view of the above, the request for refund is dismissed as the fees were not paid "by mistake".

Any questions concerning this matter may be directed to the undersigned at (571) 272-4914.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Patent of	:
Ede et al.	:
Patent No. 7,987,985	: DECISION ON REQUEST FOR
Issue Date: August 2, 2011	: RECONSIDERATION OF
Application No. 12/149,597	: PATENT TERM ADJUSTMENT
Filed: May 5, 2008	:
Attorney Docket No. 064886-0109	:

This is a decision on the petition filed on Monday, October 3, 2011, under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by sixty-two (62) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

BACKGROUND

On August 2, 2011, the above-identified application matured into U.S. Patent No. 7,987,985, with a revised patent term adjustment of 217 days. On Monday, October 3, 2011, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 62.

Patentees disclose the Office failed to properly calculate a reduction pursuant to 37 CFR 1.704(c)(3) for the abandonment that occurred in connection with a Notice to File Corrected Application Papers, mailed May 27, 2008. Patentees disclose a 346 day reduction is in order, rather than the 153 days presently charged.

Patentees argue the Office miscalculated a reduction based on an asserted misinterpretation of 35 U.S.C. 154(b)(2)(C)(ii). Patentees argue a three month date (37 CFR 1.704(b)) should be calculated from the first business day after a weekend, regardless of the date a reply is actually filed. Accordingly, patentees argue the reply filed on February 21, 2011 in response to a non-final Office action, mailed August 20, 2010, should merit a 92, rather than a 93, day reduction.

Finally, patentees argue no reduction should be assessed pursuant to 37 CFR 1.704(c)(10) for the candor letter, filed June 27, 2011, after a notice of allowance was mailed on March 28, 2011.

Patentees conclude that the correct patent term adjustment is 62 days (the sum of 411 days of "A delay" and 89 days of "B delay" minus 438 (346 + 92) days of Applicant delay).

OPINION

A review of the record reveals that pursuant to 37 CFR 1.704(c)(3), a period of reduction of 345 days should have been entered. 37 CFR 1.704(c)(3) provides in pertinent part that:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

...
...

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

(i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or

(ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed.

In this instance, the application became abandoned on July 28, 2008 for failure to respond to the Notice to File Corrected Application Papers, mailed May 27, 2008, which set an extendable two month period for reply. On March 9, 2009 applicants filed a grantable petition to revive under the unintentional delay standard of 37 CFR 1.137(b). This petition was not granted until September 8, 2009, which is longer than four months. Accordingly, the 153 day period of reduction is being removed and a period of reduction of 345 days is being entered (for the period beginning on July 28, 2008, the date of abandonment, and ending on July 7, 2009, the date applicants' grantable petition was filed + four months/120 days).

Patentees argue the Office miscalculated a reduction based on an asserted misinterpretation of 35 U.S.C. 154(b)(2)(C)(ii). Patentees argue a three month date (37 CFR 1.704(b)) should be calculated from the first business day after a weekend, regardless of the date a reply is actually filed. Accordingly, patentees argue the reply filed on February 21, 2011 in response to a non-final Office action, mailed August 20, 2010, should merit a 92, rather than a 93, day reduction.

With respect to applicant delay, 35 U.S.C. 154(b)(2)(C)(ii) provides that:

With respect to adjustments to patent term made under the authority of paragraph (1)(B), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of 3 months that are taken to respond to a notice from the Office making any rejection, objection, argument, or other request, measuring such 3-month period from the date the notice was given or mailed to the applicant.

37 CFR 1.704(b) provides in pertinent part that:

..., an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that

are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

35 U.S.C. 21(b) provides that:

When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.

Patentees are incorrect that the reduction assessed in connection with the February 21, 2011 reply should be 92 days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 CFR 1.704(b). The weekend exception does not apply to the period of applicant delay at issue. The Office action with mailed August 20, 2010, with a shortened statutory period for reply of three (3) months, with extensions of time obtainable under 37 CFR 1.136(a). It is recognized that the three-month deadline, November 20, 2010, ended on a Saturday. However, in this instance, applicants did not exercise the 21(b) weekend exception to file a timely response under 133 on the next business day - a Monday. Applicants timely filed a reply on February 21, 2011 with an extension of time. In other words, the February 21, 2011 reply was not timely filed pursuant to 35 U.S.C. 21(b). Thus, the period of reduction was properly calculated as 93 days, counting the number of days beginning on the day after the date that is three months after the date of mailing of the Office action, November 21, 2010, and ending on the date the reply was filed, February 21, 2011. Accordingly, the period of reduction of 93 days will be retained.

Patentees dispute the period of reduction of 37 days entered for the June 27, 2011 filing of a letter that Patentees submitted

pursuant to their duty of good faith and candor regarding a perceived error in patent term adjustment.

§ 1.704(e) provides that:

Submission of an application for patent term adjustment under § 1.705(b) (with or without request under §1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

Likewise, filing of a letter pursuant to comment 43 is covered by 37 CFR 1.704(e). Therefore, the Patent Term Adjustment was incorrectly reduced. Consequently 37 days will be properly restored to patentees' patent term adjustment.

CONCLUSION

In view thereof, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of 62 days (62) days, which is 411 days of A delay + 89 days of B delay - 438 (345 + 93) days of Applicant delay.

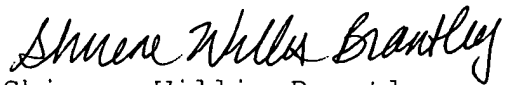
Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges receipt of the required \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. Therefore, the \$400.00 fee submitted for request for reinstatement of term reduced will be credited to patentees' deposit account.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **sixty-two (62)** days.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,987,985 B2

DATED : August 2, 2011

DRAFT

INVENTOR(S) : Ede et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 217 days

Delete the phrase “by 217 days” and insert – by 62 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 01/19/11

Patent No. : 7524648 B2
Patent Issued : 04/28/09
Docket No. : **10014-00002**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 11/05/10; please see attachments.
"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script, reading "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

IPC Intellectual Property Connections, INC.
299 Old County Road, Suite 28
San Carlos CA 94070

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/15/10

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149606 Patent No.: 7524648

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☒ **Denied**

State the reasons for denial below.

Comments: The entry of the requested foreign patent reference was not submitted in any of the IDS filed in the case including the IDS filed on December 12th, 2008 as stated in the Request for certificate of correction filed on 11-5-10.

/Manjunath Rao/

SPE

1656

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 03/07/11

Patent No. : 7524648 B2
Patent Issued : 04/28/09
Docket No. : 10014-00002

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

In the Title Page, Item 56, the reference that has been requested to be added to Section 56 is not found in the application as part of the any of the three IDS filed in the application. This contrary to the applicant's transmittal letter of 11-15-10 which states that the foreign reference WO 96/033738 was filed in the IDS 12/12/2008. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script that reads "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

IPC Intellectual Property Connections, INC.
299 Old County Road, Suite 28
San Carlos CA 94070

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/15/10

Paper No.: _____

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149606 Patent No.: 7524648

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☒ **Denied**

State the reasons for denial below.

Comments: The reference that has been requested to be added to Section 56 is not found in the application as part of the any of the three IDS filed in the application. This is contrary to the applicant's transmittal letter of 11-5-10 which states that the foreign reference WO 96/33738 was filed in the IDS of 12/12/2008.

/Manjunath Rao/

1656

Formatted: Indent: Left: 1.22"

Deleted:	_____
Deleted:	_____
Deleted:	_____
Deleted:	_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION
SPE

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/14/11

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149606 Patent No.: 7524648

CofC mailroom date: 01/30/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Director's/SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Manjunath Rao/

SPE

1656

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,693	05/07/2008	Willy Louis Marrecau	7587	1499
39196 7590 09/01/2010 SHLESINGER, ARKWRIGHT & GARVEY LLP 5845 Richmond Highway, Suite 415 ALEXANDRIA, VA 22303				
			EXAMINER KENNEDY, JOSHUA T	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 09/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP -1 2010

Shlesinger, Arkwright & Garvey LLP
5845 Richmond Highway, Suite 415
Alexandria, VA 22303

In re Application of	:	
Willy Louis Marrecau et al.	:	DECISION ON PETITION
Application No. 12/149,693	:	TO REDATE AND REMAIL
Filed: May 7, 2008	:	NON-RECEIVED OFFICE ACTION
For: FENCE, SUCH AS A HIGH VISIBILITY	:	
ANIMAL FENCE, AND METHOD OF MAKING	:	

This is in response to applicant's petition to Reset a Period for Reply Due to non-receipt, filed in the United States Patent and Trademark Office (USPTO) on July 27, 2010 and supplemented on August 18 and August 30, 2010.

The petition is **GRANTED**.

Petitioner asserts that the final Office action having a mail date of March 2, 2010 was not received at the correspondence address of record. The Office action in question was discovered during a status check of Private PAIR performed in July 2010. As applicant never received the mailed copy of the Office action, the petition is being treated as a petition to restart the time period for response due to non-receipt of an Office communication.

There is a strong presumption that an Office action properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office action was not received must be supported by a showing that it was not received.

The showing required to establish non-receipt of an Office action must include all of the following requirements:

- (1) A statement from the practitioner stating the Office action was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

- (3) A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of June 2, 2010. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G.53 (November 16, 1993).

Applicant's petition now includes a statement that a search of the file jacket and docket records indicates that the Office action was not received; as well as a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

With all of the above conditions and questions now being satisfied, the petition is **GRANTED** and the application is being returned to the LIE to redate and remail the final Office action previously mailed March 2, 2010.

Any questions regarding this decision should be directed to Steven N. Meyers at (571) 272-6611.



Steven N. Meyers, Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

Sm/sm: 8/31/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 10, 2012

In re Application of :

Lu-Yueh Hsu

Application No : 12149698

Filed : 07-May-2008

Attorney Docket No : A-002.P157/HIK-07007-US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 10, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12149698	
Filing Date	07-May-2008	
First Named Inventor	Lu-Yueh Hsu	
Art Unit	2837	
Examiner Name	BENTSU RO	
Attorney Docket Number	A-002.P157/HIK-07007-US	
Title	CHIP STRUCTURE CAPABLE OF SMOOTHING SLOPE OF SIGNAL DURING CONVERSION	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
Drawing corrections and/ or other deficiencies.		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Li K. Wang/
Name	Li K. Wang
Registration Number	44393



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of :
SHI-LUNG LIN et al :
Application No. 12/149,725 : **DECISION ON PETITION**
Filed: May 7, 2008 :
Attorney Docket No. 5199-0138PUS1 :

This is a decision on the petition under §§ 37 CFR 1.36(a) and 1.183 filed January 7, 2011 in the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under 37 CFR 1.36(a) and 37 CFR 1.183, to suspend the rules to revoke the power of attorney and give powers to different. In this instance, the fee required by law is currently set at \$400.00. See 37 CFR 1.17(f).

The petition in the above-identified application was not accompanied by payment of the required fee. The authorization to charge all fees was set forth on page 1, paragraph 2 of the petition; however no Deposit Account Number was given. No consideration on the merits can be given to the petition until the required fee is received.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272- 0602.



Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of	:
Inuzuka et al.	:
Application No. 12/149,730	: DECISION GRANTING PETITION
Filed: May 7, 2008	: UNDER 37 CFR 1.55(c)
Attorney Docket No. 136959	:

This is a decision on the petition under 37 CFR 1.55(c), filed June 7, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of Japanese Application No. 2007-125277, filed May 10, 2007.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on May 7, 2008, which is after November 29, 2000 and within 12 months of May 10, 2007. On June 7, 2011, an Application Data Sheet was received which identifies the foreign application for which priority

is claimed by application number, country and filing date. The required petition fee of \$1410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A corrected filing receipt was previously mailed on June 14, 2011.

This application is being forwarded to Technology Center AU 1761 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this decision may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

| ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of
Bor-Shiun Huang et al.
Application No. 12/149,770
Filed: May 7, 2008
Attorney Docket No. 7000.315

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on July 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

DEC 08 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Young-IL Lee et al.
Application No. 12/149,835
Filed: May 8, 2008
Attorney Docket No: **1937.1230**

This is a decision on the petition to withdraw the holding of abandonment, filed November 14, 2011, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on July 14, 2011, for failure to file a timely response to the non-Final Office Action mailed April 13, 2011, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed October 27, 2011. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address previously used on all correspondences from the USPTO, including the Notice of Abandonment which was received. Petitioner has provided a copy of the docket to show that the Office Action mailed April 13, 2011 was not received. Petitioner also explains that after searching the file and docket records, where receipt of the office action would have been indicated if it had been received, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed April 13, 2011, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 1733 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANDREWS KURTH LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1100
1350 I STREET, N.W.
WASHINGTON, DC 20005

Applicant: Christopher G. Cooney
Appl. No.: 12/149,865
Filing Date: May 9, 2008
Title: MICROARRAY SYSTEM
Attorney Docket No.: 181025
Pub. No.: US 2009/0280997 A1
Pub. Date: November 12, 2009

MAILED
JUL 01 2011
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 12, 2010 and December 6, 2010 for the above-identified application.

The request is dismissed.

Applicant request that the application be republished as the original publication contains the incorrect, abstract, drawings, and specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on November 18, 2010 and December 6, 2010, were not timely filed under 37 CFR 1.221(b).

Due to the nature of the error in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

due course, unless the application is allowed and the patent issues before the application is republished.

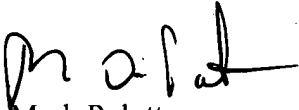
Applicant should clearly label copies of previously submitted patent applications when submitted as part of an IDS, to prevent improper handling by the Office.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', with a stylized flourish at the end.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS CA 90212

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Lenny Sands :
Application No. 12/150,012 : DECISION ON
Filed: April 24, 2008 : PETITION

This is in response to the petition to revive under 37 CFR 1.137(b), filed March 15, 2011.

The petition under 37 CFR 1.137(b) is GRANTED.

The above application became abandoned for failure to timely file pay the issue fee in response to the Notice of Allowance, mailed October 15, 2010. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on January 16, 2011. The Office mailed a Notice of Abandonment on January 28, 2011.

With the instant petition, applicant paid the petition fee, submitted the required reply in the form of the issue fee, and made the proper statement of unintentional delay.

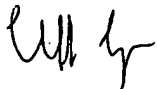
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has

not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Receipt of the 37 CFR 3.73(b) Statement, filed on March 31, 2011, is acknowledged.

The matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gerald T. Shekleton
22nd Floor
120 South Riverside Plaza
Chicago IL 60606

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of :
Yoshifumi Ueno, et al. :
Application No. 12/150,077 : DECISION GRANTING PETITION
Filed: April 24, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1110-105823 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 9, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/30/10

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 12150148 Patent No.: 7794656

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Jill Warden/
SPE

**1773
Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/30/10

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 12150148 Patent No.: 7794656

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

Lamonte Newsome

Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

**/Jill Warden/
SPE**

**1773
Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of
Zanetti
Application No. 12/150,164
Filed: April 25, 2008
Attorney Docket No. 19661ROUS02P
For: DIFFERENTIAL ENCODING WITH
ADAPTIVE RESETTING

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2011, to revive the above-identified application.


This application became abandoned for failure to properly respond to the final Office action, mailed August 16, 2010, which set an extendable three month period for reply. Applicants submitted an amendment after final on October 18, 2010. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the November 3, 2010 Advisory action. Accordingly, this application became abandoned on November 17, 2010. A Notice of Abandonment was mailed on March 18, 2011.

Applicant has submitted a RCE and \$405.00 required fee and an amendment as the submission in reply to the August 16, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 16, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 1642 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528**

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Wakumoto et al.	:	
Application No. 12/150,184	:	DECISION ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 200400256-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2010 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

With respect to item (2) petitioner has not submitted the required large entity petition fee of \$1,620.00.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528**

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Wakumoto et al.	:	
Application No. 12/150,184	:	DECISION ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 200400256-2	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before September 1, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 1, 2010. Accordingly, the date of abandonment of this application is September 2, 2010. A Notice of Abandonment was mailed September 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the corrected drawings submitted on December 6, 2010.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 12 2011

OFFICE OF PETITIONS

MICHAEL A. SHIPPEY, PH. D., J.D.
1111 E. COMMONWEALTH AVENUE
SUITE B
FULLERTON CA 92831

In re Application of :
James Mckie :
Application No. 12/150,273 : **DECISION ON PETITION**
Filed: April 25, 2008 :
Attorney Docket No. **1027.100** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 07, 2011, to revive the above-identified application.

The petition is **GRANTED**.

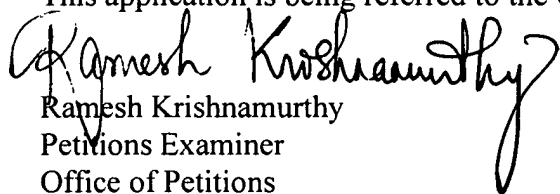
The application became abandoned for failure to timely pay the issue and publication fees on or before January 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 19, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/19/11

TO SPE OF : ART UNIT 3763

SUBJECT : Request for Certificate of Correction for Appl. No.: 12150326 Patent No.: 7998111

CofC mailroom date: 08/31/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **V Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: The request for issuing the above-identified correction(s) is hereby

approved with all changes apply _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Tan-Uyen Ho/

(Jackie) Tan-Uyen Ho

**SPE
3763**

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date

: June 27, 2011

Patent No. : 7902202
Ser. No. : 12/150327
Inventor(s) : Jean-Pierre Sommadossi, et al
Issued : March 8, 2011
Title : COMPOUNDS AND PHARMACEUTICAL COMPOSITIONS FOR THE
: TREATMENT OF VIRAL INFECTIONS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

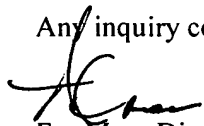
By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571.272.9005.


For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9005

Jones Day
Attn: M. Kafka, Esq.
222 E. 541st Street
New York, NY 10017

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 20 2011

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Patent No. 7,902,202
Issue Date: March 8, 2011
Application No. 12/150,327
Filed: March 25, 2008
Attorney Docket No. 11874-183-999/417451-183

DECISION ON PETITION

This is a decision on the Request For Certificate Of Correction Under 37 CFR §3.81(b), And MPEP §1481.01, filed August 9, 2011, to accept the omission of the third assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to accept the omission of the third assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted third assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,902,202.

A handwritten signature in cursive script that reads "Cheryl Gibson-Baylor".

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOCKET CLERK-STMI
P.O. BOX 802432
DALLAS, TX 75380

MAILED
OCT 17 2011
OFFICE OF PETITIONS

In re Application of :
Davide Rizzo, et al. :
Application No. 12/150,386 : **DECISION GRANTING PETITION**
Filed: April 28, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 02-LJ-039CON :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2111 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Grimes & Battersby, LLP
488 Main Avenue
Suite 300
Norwalk CT 06851-1008

MAILED
DEC 05 2011

In re Application of
Ingo Relke et al.
Application No. 12/150,396
Filed: April 28, 2008
Attorney Docket No. OC011USQ

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2011. Accordingly, the date of abandonment of this application is October 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Prosecution) and fee of \$465, (2) the petition fee of \$930, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2878 for appropriate action by the Examiner in the normal course of business on the reply received October 25, 2011.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

cc: Jonathan T. Kaplan
700 SE 160th Avenue, Suite 107-1220
Vancouver, WA 98684



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas R. Vigil Law Offices
319 Bluff Court
Barrington IL 60010

MAILED

NOV 08 2010

In re Application of :
Hubert Ostmeier :
Application No. 12/150,405 :
Filed: April 28, 2008 :
Attorney Docket No. VWWH-40091 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit a substitute oath or declaration in a timely manner in reply to the Notice of Allowability, mailed May 27, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 28, 2010. The Notice of Abandonment was mailed September 16, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The substitute declaration submitted herewith petition is incomplete. There is no signature or power of attorney page.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas R. Vigil Law Offices
319 Bluff Court
Barrington IL 60010

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Hubert Ostmeier	:	
Application No. 12/150,405	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. VWWH-40091	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit a substitute an oath or declaration in a timely manner in reply to the Notice of Allowability, mailed May 27, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 28, 2010. The Notice of Abandonment was mailed September 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for issuing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/150,503	04/29/2008	Glenn R. Bowers	S06-02KG294679	7253
30279	7590	02/14/2011		
DANA REWOLDT Syngenta Seeds Inc. 2369 330TH STREET PO BOX 500 SLATER, IA 50244			EXAMINER BAUM, STUART F.	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.slater@syngenta.com
ip.sbi@syngenta.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 14 2011

DANA REWOLDT
Syngenta Seeds Inc.
2369 330TH STREET
PO BOX 500
SLATER IA 50244

In re Application of:

Bowers et al.

Serial No.: 12/150,503

Filed: April 29, 2008

Attorney Docket No.: S06-02KG294679

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 7, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the information submitted to the Patent Office on May 27, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joseph G. Nauman
696 Renolda Woods Ct
Dayton OH 45429-3415

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of
Dale A. Gepfrey et al.
Application No. 12/150,527
Filed: April 28, 2008
Attorney Docket No. GH 001 PCT

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 7, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph G. Nauman, sole attorney of record. Joseph G. Nauman has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dale A. Gepfrey
Gepfrey Industries
429 Cushing Avenue
Kettering, OH 45429



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/150,527	04/28/2008	Dale A. Gepfrey	GII 001 PCT

Joseph G. Nauman
696 Renolda Woods Ct
Dayton, OH 45429-3415

CONFIRMATION NO. 7159
POWER OF ATTORNEY NOTICE



Date Mailed: 11/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/07/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/150,535	04/29/2008	Kayo Koutaki	08277/LH	7149
1933 7590 03/03/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER AHMED, SAMIR ANWAR	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 03/03/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

MAR 03 2011

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of	:	
KOUTAKI, KAYO	:	DECISION ON REQUEST TO
Application No. 12/150,535	:	PARTICIPATE IN PATENT
Filed: April 29, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08277/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 06, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK, NY 10112

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of :
Baorui Ren, et al. :
Application No. 12/150,539 : DECISION ON PETITION
Filed: April 28, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 1456/79274 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 30, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application(s), unless previously submitted;¹
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

¹ Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2882 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/150,539	04/28/2008	2882	3840	1456/79274	61	6

CONFIRMATION NO. 7506

CORRECTED FILING RECEIPT



OC000000051948606

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

Date Mailed: 01/11/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Baorui Ren, Andover, MA;
Andrew P. Smith, Lexington, MA;
Zhenxue Jing, Bedford, MA;
Jay Stein, Boston, MA;
Kenneth F. Defreitas, Patterson, NY;

Power of Attorney:

Ivan Kavrukov--25161	Richard Jaworski--33515
Norman Zivin--25385	Wendy Miller--35615
John White--28678	Robert Maldonado--38232
Peter Phillips--29691	Gary Gershik--39992
Robert Katz--30141	Paul Teng--40837

Domestic Priority data as claimed by applicant

This application is a CIP of 10/723,486 11/26/2003 PAT 7831296
and is a CIP of 11/271,050 11/11/2005 PAT 7577282
and is a CIP of 11/827,909 07/13/2007 PAT 7616801

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 06/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/150,539**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

X-ray imaging with X-ray markers that provide adjunct information but preserve image quality

Preliminary Class

382

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Marcel Brouard
C/o Paul Biron
P.O. Box 0732
Jackman ME 04945

MAILED

MAY 06 2011

OFFICE OF PETITIONS

In re Application of
Brouard et al.
Application No. 12/150,648
Filed: April 29, 2008
Attorney Docket No. N/A
For: SHEAR AND WATER RESISTANT
FELT PAD

:
:
:
:
:

ON PETITION

This is a decision on the correspondence filed March 18, 2011, which is being treated as a constructive petition under 37 CFR 1.137(b) to revive the above-identified application.

The constructive petition is **dismissed** and the merits of the constructive petition will not be addressed because the petition is not signed by a proper party.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Paul Biron. Paul Biron has not provided an attorney registration number and a review of Office records does not reveal that a person named Paul Biron has been assigned a registration number. Paul Biron has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Paul Biron has not established that he is permitted to file amendments and other papers in this application.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Paul Biron's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Paul Biron and in this manner, the signature on instant petition will be ratified); or (c) submit a Rule 137(b) petition signed by both joint inventors.

Further correspondence with respect to this matter should be delivered through one of the following mediums:


By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED
SEP 17 2010.
OFFICE OF PETITIONS

In re application of :
Robin James Spivey et al :
Application No. 12/150,700 :
Filed: April 20, 2008 :
Attorney Docket No. 5112.P0004US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on June 28, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SCOTT LLOYD
4404 HAVERFORD DRIVE
ROCKVILLE MD 20853**

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of

Jesse Dustin JACOBY

Application No. 12/150,702

Filed: May 1, 2008

Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 7, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Steven Scott Lloyd does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: JESSE DUSTIN JACOBY
1768 S. LOGAN STREET
DENVER, CO 80210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111228

DATE : December 28, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7659848

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Thomas H. Tarcza/

Art Unit 3662



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of
CROUSHORN, et al
Application No. 12/150,728
Filed: April 30, 2008
Attorney Docket No. 048175.00002

:
:
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Seann P. Lahey behalf of the attorneys of record associated with Customer No. 27863.

The attorneys of record associated with Customer No. 27863 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: COMPRESSION WORKS, LLC
150 SOUTH PERRY STREET
MONTGOMERY AL 36104



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/150,728	04/30/2008	John Croushorn	048175.00002

CONFIRMATION NO. 8221

POWER OF ATTORNEY NOTICE



Date Mailed: 05/12/2011

27863
MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE, SC 29602-0447

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of
SPRAINIS, et al
Application No. 12/150,777
Filed: May 1, 2008
Attorney Docket No. CRD 08052

:
:
:
:
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 4, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 5, 2011. A Notice of Abandonment was mailed July 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/150,777	05/01/2008	Ronald J. Sprainis	CRD 08052	8139
<div>7590 01/24/2012 JAMES RAY & ASSOCIATES 2640 Pitcairn Road Monroeville, PA 15146</div>			<div>EXAMINER SMITH, JASON C</div>	
			<div>ART UNIT 3617</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/24/2012</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAN 24 2012

JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville, PA 15146

In re Application of SPRAINIS ET AL.
Appl. No.: 12/150,777
Filed: May 01, 2008
For: **COMBINATION YOKE AND ELASTOMERIC
DRAFT GEAR**

**DECISION ON PETITION
FOR SUPERVISORY
REVIEW**
37 CFR 1.181

This is a decision on the petition filed December 30, 2010 for supervisory review of an examiner's action under 37 CFR 1.181. Petitioner requests the relief of Withdrawal of Finality of the Office action mailed November 4, 2010.

The petition is **Dismissed as Moot**.

A review of the file record reveals that petitioner filed this petition on December 30 2010, along with an amendment after final. As set forth in MPEP 714.13:

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.

Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection. An affidavit or other evidence filed after a final rejection, but before or on the same date of filing an appeal, may be entered upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 CFR 1.116 (e). See 37 CFR 41.33 and MPEP § 1206 for information on affidavit or other evidence filed after appeal. **Failure to properly reply under 37 CFR 1.113 to the final rejection results in abandonment. A reply under 37 CFR 1.113 is limited to:**

- (A) an amendment complying with 37 CFR 1.116 ;
- (B) a Notice of Appeal (and appeal fee); or
- (C) a request for continued examination (RCE) filed under 37 CFR 1.114 with a submission (i.e., an amendment that meets the reply requirement of 37 CFR 1.111) and the fee set forth in 37 CFR 1.17(e) . RCE practice under 37 CFR 1.114 does not apply to utility or plant patent applications filed before June 8, 1995 and design applications.

In order to properly respond to the Final Rejection of November 4, 2010, petitioner must have complied with one of items (A) through (C) above. The filing of petition for supervisory review does not satisfy these criteria and does not stay the period for response. While petitioner did file an amendment on December 30 2010 along with the petition for supervisory review, this amendment did not satisfy the criteria of 37 CF 1.116 (see Advisory Action mailed July 19, 2011), and therefore did not constitute a proper reply to the Final Rejection. Since petitioner failed to file any of items (A) through (C) above within the statutory period for response, this application became abandoned and a Notice of Abandonment was mailed July 29, 2011.

In response to the Notice of Abandonment of July 29, 2011, petitioner filed a petition to revive under 37 CFR 1.137 along with a Request for Continued Examination (RCE) on September 22, 2011. This petition to revive under 37 CFR 1.137 was granted on October 31, 2011 and the application was restored to pending status and the RCE was entered. In response to the RCE, an Examiner's Amendment and Notice of Allowance & Issue Fee Due were mailed November 29, 2011.

Since the application is now allowed, the question of whether the finality of the rejection mailed November 4, 2010 was premature or not is now moot, as all of the pending claims are allowed and there are no pending claims under rejection. Accordingly, the instant petition is hereby **DISMISSED AS MOOT**.

No further action by petitioner in response to this decision is required. It is noted however, that as of the drafting of this decision the issue fee has not yet been received. Accordingly the time period to submit the issue fee as set forth in the Notice of Allowance and Issue Fee Due mailed November 29, 2011 continues to run, and petitioner should respond to that notice to avoid abandonment.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Jason C. Smith, at (571) 270-5225.


David Talbott
Director, Technology Center 3600
(571) 272-5150

SJM/snm: 1/11/12

SM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARSHAW RESEARCH, INC.
210 W. TECUMSEH STREET
OTTAWA, KS 66067

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of
Susan Marie Wolosuk
Application No. 12/150,795
Filed: May 1, 2008
Attorney Docket No.: SMW 08108

ON PETITION

This is a decision on the petition, filed December 1, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to a non-final Office action mailed April 22, 2009. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 23, 2009. A Notice of Abandonment was mailed on October 27, 2009. On December 1, 2010, the present petition was filed, wherein petitioner indicate the proposed reply is the filing of a Continuation-In-Part application. The petition is not accompanied by a statement of express abandonment in favor of the filing of the continuing application.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, the statement in the petition will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation-in-part application under 37 CFR 1.53(b); (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay¹.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being revived solely for the purpose of continuity with the Application No. 12/957,579. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 12/957,579, filed December 1, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petition



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Waarts et al.	:	
Application No. 12/150,887	:	DECISION ON PETITION
Filed: April 30, 2008	:	PURSUANT TO
Attorney Docket No.: PA4444US	:	37 C.F.R. § 1.181(A)
Title: HIGH AVERAGE POWER	:	
ULTRA-SHORT PULSED LASER BASED	:	
ON AN OPTICAL AMPLIFICATION	:	
SYSTEM	:	

This is a decision on the petition filed January 10, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

Receipt of the concurrently submitted response to the restriction requirement and amendment is acknowledged.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed March 2, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2010. A Notice of abandonment was mailed on October 6, 2010.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney**

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the Restriction Requirement of March 2, 2010 was not received at the correspondence address of record¹ and that a search of the file and docket records indicates that the Office communication was not received.²

¹ Petition, page 2.

² *Id.* at 2. See also Torabi statement of facts, paragraphs 3 and 4.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO. It follows that Petitioner has not established that the docketing system is sufficiently reliable.

Second, Petitioner provided a copy of the record used by the practitioner where the allegedly non-received Office communication would have been entered, in the form of the single-page "Patent Docket Sheet" that is associated with this particular application. However, Petitioner has not included a copy of the master docket or stated that no such master docket exists. As set forth in the portion of the MPEP that has been reproduced above, a master docket report is a report that shows all replies that the firm has docketed for a particular date in the future (typically the due date of the relevant Office communication, although some firms will docket items for the maximum extendable period for reply), *as opposed to a report that shows the relevant actions that have been docketed for a particular application.*

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁷ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Waarts et al. :
Application No. 12/150,887 : DECISION ON RENEWED PETITION
Filed: April 30, 2008 : PURSUANT TO
Attorney Docket No.: PA4444US : 37 C.F.R. § 1.181(A)
Title: HIGH AVERAGE POWER :
ULTRA-SHORT PULSED LASER BASED :
ON AN OPTICAL AMPLIFICATION :
SYSTEM :

This is a decision on the renewed petition filed April 21, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed March 2, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2010. A Notice of abandonment was mailed on October 6, 2010.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is

required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.**

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by

the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphasis added).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 10, 2011, requesting that the holding of abandonment in the above-identified application be withdrawn. In the original petition, it was asserted that the Restriction Requirement of March 2, 2010 was not received at the correspondence address of record¹ and that a search of the file and docket records indicates that the Office communication was not received.² A copy of the record used by the practitioner where the allegedly non-received Office communication would have been entered had it been received was included with the original petition.

1 Original petition, page 2.

2 *Id.* at 2. See also Torabi statement of facts submitted with the original petition, paragraphs 3 and 4.

The original petition was dismissed via the mailing of a decision on February 22, 2011, which indicated that the electronic record did not contain a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO, it had not been established that the docketing system is sufficiently reliable, and a copy of the master docket or an assertion that no such master docket exists was not included with the original petition.

With this renewed petition, Petitioner has included both a copy of the master docket for the relevant time period and a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

This renewed petition cannot be granted, as the aforementioned statement is insufficient to establish that the docketing system is sufficiently reliable. Petitioner has explained that when mail is received from the Office, the appropriate deadlines are entered into an electronic docketing program, including "the due date for responding to the Office Action or Restriction requirement."³ **However, the petition is silent as to how this electronic docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this computer-based docketing software program generate reports on a periodic basis? If so, are these reports distributed to the responsible attorney? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorney?**

CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶

³ Renewed petition, page 3.

⁴ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁸ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300: please note this is a central facsimile number.

7 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Waarts et al.	:	
Application No. 12/150,887	:	DECISION ON SECOND RENEWED
Filed: April 30, 2008	:	PETITION PURSUANT TO
Attorney Docket No.: PA4444US	:	37 C.F.R. § 1.181(A)
Title: HIGH AVERAGE POWER	:	
ULTRA-SHORT PULSED LASER BASED	:	
ON AN OPTICAL AMPLIFICATION	:	
SYSTEM	:	

This is a decision on the second renewed petition filed June 28, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed March 2, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2010. A Notice of abandonment was mailed on October 6, 2010.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 10, 2011, requesting that the holding of abandonment in the above-identified application be withdrawn. In the original petition, it was asserted that the Restriction Requirement of March 2, 2010 was not received at the

correspondence address of record¹ and that a search of the file and docket records indicates that the Office communication was not received.² A copy of the record used by the practitioner where the allegedly non-received Office communication would have been entered had it been received was included with the original petition.

The original petition was dismissed via the mailing of a decision on February 22, 2011, which indicated that the electronic record did not contain a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO, it had not been established that the docketing system is sufficiently reliable, and a copy of the master docket or an assertion that no such master docket exists was not included with the original petition.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on April 21, 2011, along with a copy of the master docket for the relevant time period and a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

The renewed petition was dismissed via the mailing of a decision on May 9, 2011, which indicated that the aforementioned statement is insufficient to establish that the docketing system is sufficiently reliable.

With this second renewed petition, Petitioner has indicated that twice a month, the docketing department at Petitioner's law firm generates reports which contain all upcoming deadlines for "the next 30 days" and provides these reports to "a responsible attorney assigned to manage the matter, as well as to a working attorney assigned to respond to the Office Action or Restriction Requirement."³ Petitioner has further added that a "docket meeting" is held "every other week," where "any upcoming deadlines for the next 18 days are reviewed by the entire patent department..."⁴

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the aforementioned

1 Original petition, page 2.

2 *Id.* at 2. See also Torabi statement of facts submitted with the original petition, paragraphs 3 and 4.

3 Second renewed petition, pages 3-4.

4 *Id.* at 4.

Restriction Requirement of March 2, 2010 was not received, pursuant to MPEP § 711.03(c).

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the Restriction Requirement of March 2, 2010 (received on January 10, 2011) can receive further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁵ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jetter & Associates, P.A./University of
Central Florida Research Foundation, Inc.
8295 North Military Trail, Suite B
Palm Beach Gardens, FL 33410

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of	:
Wasfy B. Mikhael, et. al.	:
Application No. 12/150,995	: DECISION ON PETITION
Filed: May 2, 2008	: TO MAKE SPECIAL UNDER
Attorney Docket No. UCF-31038 (7292)	: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 13, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney of record that joint inventor, Wasfy B. Mikhael, is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 2611 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CAROL H. PETERS, ESQ.
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

SEP 22 2011

In re Application of	:	OFFICE OF PETITIONS
Thomas P. Hager et al	:	
Application No. 12/151,004	:	DECISION GRANTING PETITION
Filed: May 1, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 27585-027C01US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 21, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 30, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/151,069	Filing date:	05-02-2008
First Named Inventor:	Chengjie Tu		
Title of the Invention: Multi-level representation of reordered transform coefficients			
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT PCT/US09/39089
application number(s) is/are:**

**The international date of the corresponding
PCT application(s) is/are:** 04-01-2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/151,069
First Named Inventor:	Chengjie Tu

9

Is attached

August 9, 2010

☐

Has already been filed in the above-identified U.S. application on

☐

Are attached.

August 9, 2010

Have already been filed in the above-identified U.S. application on

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/James R. Banowsky/	Date	August 10, 2010
Name (Print/Typed)	James R. Banowsky	Registration Number	37,773

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
MICROSOFT CORPORATION
ATTENTION - SHARON EYDBERG (SHARONR-8-2321) LCA, INTERNATIONAL PATENT DEPARTMENT ONE MICROSOFT WAY, 37321 REDMOND, WASHINGTON 98032-6399 USA

PCT
**NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Applicant's or agent's file reference 322696.02 WO	Date of mailing (day/month/year) 12 JANUARY 2010 (12.01.2010)
International application No. PCT/US2009/039089	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant MICROSOFT CORPORATION	International filing date (day/month/year) 01 APRIL 2009 (01.04.2009)

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland. Facsimile No.: +41 22 338 82 70
For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


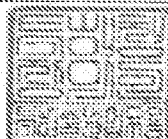
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 20 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, National Chapters

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea	Authorized officer COMMISSIONER	
Facsimile No. 82-42-472-7140	Telephone No. 82-42-481-5209	

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(h)).

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/PEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : 3LVIRY0L

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: ipkc@ipkcenter.com

Phone: +1 703 388 1066

Fax: +1 703 388 1084

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

MICROSOFT CORPORATION

ATTENTION : SHARON EYDBERG (SHARONE-8-2321)
ICA, INTERNATIONAL PATNET DEPARTMENT ONE
MICROSOFT WAY, 8/2321 REDMOND, WASHINGTON
98052-6399 USA

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing

(day/month/year) 12 JANUARY 2010 (12.01.2010)

Applicant's or agent's file reference

322696.02.WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2009/039089

International filing date (day/month/year)

01 APRIL 2009 (01.04.2009)

Priority date (day/month/year)

02 MAY 2008 (02.05.2008)

International Patent Classification (IPC) or both national classification and IPC

H04N 7/30(2006.01); H04N 7/24(2006.01)

Applicant

MICROSOFT CORPORATION

1. This opinion contains indications relating to the following items:



Box No. I Basis of the opinion



Box No. II Priority



Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV Lack of utility of invention



Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI Certain documents cited



Box No. VII Certain defects in the international application



Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139
Seonsa-ro, Seo-gu, Daejeon 302
-701, Republic of Korea
Facsimile No. 82-42-472-7140



Date of completion of this opinion

07 JANUARY 2010 (07.01.2010)

Authorized officer

KU, Dae Sung

Telephone No 82-42-481-8192



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/039089

Box No. 1. Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis 1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2009/039089

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2007-0242753 A1 (Jeon et al) 18 October 2007
D2: US 2008-0043030 A1 (Huang et al) 21 February 2008
D3: US 2008-0089421 A1 (Je Chang et al) 17 April 2008

1. Novelty and Inventive Step

1.1 Claims 1-10

The subject matter of the claim 1 differs from the prior art documents above in that one or more storage media instructions which, when executed on a computer cause the computer to perform a method of encoding video, such as the technical feature of a entropy coding the reordered plural frequency coefficients using a multi-level nested-set representation of the reordered frequency coefficients and outputting the entropy coded frequency coefficients in the bit stream. Thus, it is not obvious to a person skilled in the art by the documents when the prior arts above are taken alone or in combination. Therefore, the claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 11-16

The subject matter of the claim 11 differs from the prior art documents above in that a method of reconstruction video, such as the technical feature of entropy decoding a first symbol and a second symbol at a first level of a multi-level nested-set representation of the plural frequency coefficients and reordering the plural frequency coefficients according to the determined scan order. Thus, it is not obvious to a person skilled in the art by the documents when the prior arts above are taken alone or in combination. Therefore, the claim 11 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 12-16 are dependent on claim 11 and therefore meet the requirements of PCT Article 33(2) and (3).

(Continued on the supplemental sheet)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/039089

Supplemental Box

In case the space in any of the preceding boxes is not sufficient,
Continuation of:

Continuation of: Box No. V

1.3 Claims 17-20

The subject matter of the claim 17 differs from the prior art documents above in that an encoder system, such as the technical feature of encoding plural symbols at a given level of the multi-level nested-set representation and each of the plural symbols at the given level determining whether to split the set for the symbol into plural subsets. Thus, it is not obvious to a person skilled in the art by the documents when the prior arts above are taken alone or in combination. Therefore, the claim 17 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 18-20 are dependent on claim 17 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-20 is industrially applicable under PCT Article 33(4).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference: 322696.02 WO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2009/039089	International filing date (day/month/year) 01 APRIL 2009 (01.04.2009)	(Earliest) Priority Date (day/month/year) 02 MAY 2008 (02.05.2008)
Applicant MICROSOFT CORPORATION		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.66is(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequences** disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 6

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/039089**A. CLASSIFICATION OF SUBJECT MATTER***H04N 7/30(2006.01); H04N 7/24(2006.01)*

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H04N 7/30; G06T 9/00; H04N 11/02; HMN 7/12

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models since 1975.
Japanese utility models and applications for utility models since 1975.Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: SELECT, SCAN, ENCODING**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2007-0242753 A1 (Jeon et al) 18 October 2007 See abstract; see paragraph [0060],[0061],[0065],[0078],[0079],[0080],[0084] Claims 41-43 and figures 11-13.	1-20
A	US 2008-0043030 A1 (Huang et al) 21 February 2008 See abstract; see paragraph [0030]-[0032],[0036]; Claims 1-2 and figures 3,4,7.	1-20
A	US 2008-0089421 A1 (Je Chang et al) 17 April 2008 See abstract; see paragraph [0032],[0033]; Claims 1 and figures 3.	1-20

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

07 JANUARY 2010 (07.01.2010)

Date of mailing of the international search report

12 JANUARY 2010 (12.01.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seons-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

K.U. Dae Sang

Telephone No. 82-42-481-8192



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/039089

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2007-0242753 A1	18.10.2007	AU 2003-243039 A1	02.02.2004
		CN 1292584 C	27.12.2006
		CN 1565129 A	12.01.2005
		EP 1522152 A1	13.04.2005
		EP 1843584 A2	10.10.2007
		KR 10-0846778 B1	16.07.2008
		US 2004-042868 A1	04.03.2004
		US 2007-242753 A1	18.10.2007
		US 2008-025623 A1	31.01.2008
		WO 2004-008767 A1	22.01.2004
US 2008-0043030 A1	21.02.2008	EP 2050076 A2	22.04.2009
		EP 2050077 A1	22.04.2009
		EP 2050079 A1	22.04.2009
		KR 10-2009-0042243 A	29.04.2009
		US 2008-0036770 A1	14.02.2008
		US 2008-036770 A1	14.02.2008
		US 2008-043016 A1	21.02.2008
		US 2008-043030 A1	21.02.2008
		US 2008-143714 A1	19.06.2008
		WO 2008-022054 A2	21.02.2008
		WO 2008-022055 A1	21.02.2008
		WO 2008-022056 A2	21.02.2008
		WO 2008-022057 A1	21.02.2008
US 2008-0089421 A1	17.04.2008	GB 2264605 A	01.09.1993
		JP 06-086262 A	25.03.1994
		JP 10-093968 A	10.04.1998
		KR 10-1998-6762 B1	23.05.1998
		US 2004-0096001 A1	20.05.2004
		US 2004-096001 A1	20.05.2004
		US 2008-0089421 A1	17.04.2008
		US 2009-0097552 A1	16.04.2009
		US 2009-0097553 A1	16.04.2009
		US 2009-0097569 A1	16.04.2009
		US 2009-0097570 A1	16.04.2009
		US 2009-0103611 A1	23.04.2009
		US 2009-0103612 A1	23.04.2009
		US 2009-0103626 A1	23.04.2009
		US 2009-0103627 A1	23.04.2009
		US 2009-0103628 A1	23.04.2009
		US 2009-0103629 A1	23.04.2009
		US 2009-0257511 A1	15.10.2009
		US 6263026 B1	17.07.2001
		US 6263026 B1	17.07.2001
		US 6680975 B1	20.01.2004
		US 6680975 B1	20.01.2004
		US 7292657 B2	06.11.2007
		US 7292657 B2	06.11.2007
		US 7609760 B2	27.10.2009

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/039089

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
		US 7516687 B2	10.11.2009

PATENT

First Named Inventor: Chengjie Tu
Application No.: 12/151,069
Filed: May 02, 2008
Customer No.: 26119

Attorney Docket No.: 3382-80109-01/322696PPH
Group Art Unit: 2621
Examiner: BANKS HAROLD, MARSHA DENISE
Confirmation Number: 9198

Title: Multi-level representation of reordered transform coefficients

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request for Participation in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 29, 2010

By: /James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 29, 2010
Date

/Eric Matt/
Eric Matt

We claim:

1. One or more storage media storing instructions which, when executed on a computer, cause the computer to perform a method of encoding video, the method comprising:
 - selecting (605) one of a plurality of scan orders;
 - outputting information indicating the selected scan order in a bit stream;
 - applying (610) the selected scan order to reorder plural frequency coefficients of a block;
 - entropy coding (630) the reordered plural frequency coefficients using a multi-level nested-set representation of the reordered frequency coefficients, including:
 - representing a first set of one or more of the reordered plural frequency coefficients as a summary representation with a first symbol at a first level of the multi-level nested-set representation; and
 - entropy coding the first symbol and a second symbol at the first level of the multi-level nested-set representation; and
 - outputting the entropy coded frequency coefficients in the bit stream.
2. The one or more storage media of claim 1 wherein the first symbol indicates the presence or absence of non-zero coefficient values among the first set of reordered frequency coefficients.
3. The one or more storage media of claim 1 wherein the second symbol represents one of the reordered plural frequency coefficients outside of the first set.
4. The one or more storage media of claim 3 wherein the entropy coding the first symbol and the second symbol includes jointly coding the first symbol and the second symbol using Huffman coding.
5. The one or more storage media of claim 1 wherein the entropy coding the first symbol and the second symbol includes run length coding the first symbol and the second symbol along with one or more other symbols.

6. The one or more storage media of claim 1 wherein the entropy coding further comprises:

representing a second set of one or more of the reordered plural frequency coefficients as a summary representation with the second symbol at the first level of the multi-level nested-set representation, wherein the entropy coding the first symbol and the second symbol includes jointly coding the first symbol and the second symbol using Huffman coding.

7. The one or more storage media of claim 1 wherein the first set includes at least one non-zero coefficient value, and wherein the entropy coding further comprises, at a second level of the multi-level nested-set representation lower than the first level, entropy coding coefficient values for the respective coefficients of the first set.

8. The one or more storage media of claim 1 wherein the first set includes at least one non-zero coefficient value, and wherein the entropy coding further comprises:

representing a first subset of one or more of the frequency coefficients of the first set as a summary representation with a first sub-symbol at a second level of the multi-level nested-set representation lower than the first level.

9. The one or more storage media of claim 8 further comprising entropy coding, at a third level of the multi-level nested-set representation lower than the second level, coefficient values for the respective coefficients of the first subset.

10. The one or more storage media of claim 1 wherein the selecting comprises:
evaluating plural pre-determined scan orders among the plurality of scan orders;
and

if none of the plural pre-determined scan orders produces suitably reordered frequency coefficients for entropy encoding, creating a new scan order of the plurality of scan orders.

11. A method of reconstructing video, the method comprising:

receiving in a bit stream entropy encoded video information for plural frequency coefficients;

entropy decoding (1505) the entropy encoded video information, including:

entropy decoding a first symbol and a second symbol at a first level of a multi-level nested-set representation of the plural frequency coefficients, wherein the first symbol represents a first set of one or more of the plural frequency coefficients; and

entropy decoding a first sub-symbol at a second level lower than the first level of the multi-level nested-set representation of the plural frequency coefficients, wherein the first sub-symbol represents a first subset of one or more of the frequency coefficients of the first set;

determining (1510) a scan order for the plural frequency coefficients;

reordering (1515) the plural frequency coefficients according to the determined scan order; and

using the reordered frequency coefficients to reconstruct the video.

12. The method of claim 11 wherein the first symbol indicates the presence or absence of non-zero coefficient values in the first set.

13. The method of claim 12 wherein the second symbol at the first level of the multi-level nested-set representation of the plural frequency coefficients indicates the presence or absence of non-zero coefficient values in a second set of one or more of the plural frequency coefficients outside of the first set.

14. The method of claim 11 wherein the first sub-symbol indicates the presence or absence of non-zero coefficient values in the first subset.

15. The method of claim 11 wherein the determining the scan order comprises: receiving scan order information in the bit stream, the scan order information indicating the determined scan order.

16. The method of claim 15 wherein the scan order is one of a plurality of pre-determined scan orders.

17. An encoder system comprising:

a block scan order selector (425) adapted to select a scan order from a plurality of scan orders;

a block scanner (425) adapted to reorder a plurality of frequency coefficients in a block using the selected scan order;

one or more entropy coding modules (430) adapted to encode the reordered frequency coefficients in a multi-level nested-set representation by:

encoding plural symbols at a given level of the multi-level nested-set representation, each of the plural symbols at the given level representing a set of one or more of the reordered frequency coefficients; and

for each of the plural symbols at the given level, determining whether to split the set for the symbol into plural subsets and, if so, encoding plural sub-symbols at a lower level of the multi-level nested-set representation, each of the plural sub-symbols at the lower level representing one of the plural subsets.

18. The encoder system of claim 17 wherein the block scan order selector is adapted to select the scan order based upon the results of a closed-loop application of each of the plurality of scan orders to the block.

19. The encoder system of claim 17 wherein the block scan order selector is adapted to select the scan order based upon the results of an open-loop evaluation of application of one or more of the plurality of scan orders to the block.

20. The encoder system of claim 17 wherein the plurality of scan orders are pre-determined.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/151,069	05/02/2008	Chengjie Tu	3382-80109-01/322696PPH	9198
26119 7590 12/07/2010 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER BANKS HAROLD, MARSHA DENISE	
			ART UNIT 2482	PAPER NUMBER
			NOTIFICATION DATE 12/07/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com
docketing@klarquist.com
valerie.sullivan@klarquist.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED

DEC 07 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of	:	
TU, CHENGJIE et al.	:	
Application No. 12/151,069	:	DECISION ON REQUEST TO
Filed: May 02, 2008	:	PARTICIPATE IN PATENT
Att. Docket No. 3382-80109-01/322696PPH	:	PROSECUTION HIGHWAY
	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 10, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Moss & Barnett P.A.
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis MN 55402-4129

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
James F. Beck
Application No. 12/151,194
Filed: May 5, 2008
Attorney Docket No. **47358.18**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by David L. Biek on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor James F. Beck at the address indicated below.

There is an outstanding Office action mailed September 21, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: James F. Beck
2241 Kallie Court
Stillwater, MN 55082



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/151,201	05/05/2008	Shahin Abasov	33849-190	9643
30903	7590	12/07/2011		
CRAIN, CATON & JAMES FIVE HOUSTON CENTER 1401 MCKINNEY, 17TH FLOOR HOUSTON, TX 77010			EXAMINER YANG, RYAN R	
			ART UNIT 2628	PAPER NUMBER
			NOTIFICATION DATE 12/07/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

wjensen@craincaton.com
jHUDSON@craincaton.com
ipdocket@craincaton.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

In re Application of
Abasov, Shahin et al.
Serial No.: 12/151,201
Filed: October 9, 2008

:
:
:
:
:

**DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS**

For:

SYSTEMS AND METHODS FOR IMAGING RELATIONSHIP DATA IN A THREE-DIMENSIONAL IMAGE

This is a decision on the petition under 37 CFR §1.184(a) (2), filed October 9, 2008 requesting acceptance of color drawings.

The petition requests that the color drawing identified in Figure 3 be accepted in lieu of a black and white drawing.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED AUG 06 2010

Philip Belpasso
40-09 Kuiken Terrace
Fair Lawn NJ 07410

In re Application of: Belpasso, Phillip Ralph	:	DECISION ON PETITION TO
Application No.: 12/151236	:	MAKE SPECIAL FOR NEW
Filed: May 6, 2008	:	APPLICATION UNDER 37
Title: AIR FLUSH SYSTEM	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02
	:	

This is a decision on the petition filed on April 9, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The

effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. The Notice of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) can be accessed on the internet at

<http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf>

Further guidance may be found website of the USPTO at

<http://www.uspto.gov/web/patents/accelerated>

under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.



Linda Sholl
Special Program Examiner
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James M. Nelson III
1001-6th Ave
Helena MT 59601

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of	:	
James M. Nelson III	:	DECISION ON PETITION
Application No. 12/151,238	:	
Filed: 08/01/2008	:	
Title: SHEATH AND CONDUCTOR	:	
STRIPPERS	:	

This is in response to the communication filed December 7, 2011, which is being treated as a petition under 37 CFR 1.181 (feeless) to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**. Any request for reconsideration of this decision on the petition under 37 CFR 1.181 must be submitted with TWO (2) MONTHS of the mailing date of the decision. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

On June 23, 2011, the Office mailed a Notice of Allowance and Fee(s) Due, advising applicant that payment of both a \$755 issue fee and a \$300.00 publication fee (for a total of \$1055) was due on September 23, 2011. The Notice of Allowance specifically stated: "THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151."

On September 22, 2011, applicant paid the \$755 issue fee but did not submit the \$300 publication fee as required by the Notice of Allowance. Therefore, in the absence of a complete and timely response to the Notice of Allowance, the application became abandoned on September 24, 2011. On October 10, 2011, the Office mailed a Notice of Abandonment informing applicant that the application became abandoned in view of applicant's failure to timely pay the required \$300 publication fee within the statutory three month period from the mailing date of the Notice of Allowance.

On December 7, 2011, applicant submitted the present petition and the \$300 publication fee. Applicant explains, in pertinent part:

For the past year, it seems I have been strung along. Payment of the issue fee was a good faith effort. Enclosed with the Part B -Fee Transmittal was the approved drawings (the PGPub drawings) and no specification. What about the amended drawings and amended specification relevant to the allowance? So unclear what I was paying for.

Petition p. 1.

Initially, the Office must determine whether the application is, in fact, abandoned. Namely, the Office must review the present petition to evaluate if the applicant's assertions merely involve the cause of the abandonment. Therefore, where there is no dispute as to whether an application is abandoned because no disagreement exists regarding the sufficiency of the reply or controlling dates, the filing of a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment would be inappropriate. See MPEP 711.03(c)(I). Instead, a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. See MPEP 711.03(c)(I).

As stated above, the Notice of Allowance was very specific in its instruction that applicant must pay both the \$755 issue fee and the \$300 publication fee within three months from the June 23, 2011 mailing date of the Notice of Allowance (i.e. by September 23, 2011). The Notice warned applicant that if the issue fee and publication fee were not paid by September 23, 2011, the application would be abandoned. The showing of record is that applicant failed to pay the publication fee by September 23, 2011, causing the application to become abandoned. Abandonment of the application was not caused by any error on the part of the USPTO or its employees.

The Office concludes that the application was properly held abandoned by operation of law for failing to pay the \$300 publication fee within the statutory three month period from the mailing date of the Notice of Allowance. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

Applicant may wish to submit a petition to revive the application under 37 CFR 1.137(b). A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The required reply to the outstanding Office action, **unless previously submitted**;
- (2) The petition fee as set forth in 1.17(m) (currently \$930.00 for a small entity); and,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

The Office notes that applicant submitted the required reply in the form of payment of the issue fee on September 22, 2011, and the publication fee on December 7, 2011. Therefore, applicant does not need to submit the issue fee and the publication fee with any petition under 37 CFR 1.137(b) to revive to application. If applicant wishes to revive the present application, applicant need only file a petition under 37 CFR 1.137(b) and pay the \$930.00 petition fee. The appropriate petition form accompanies this decision for applicant's convenience. Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/66



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James M. Nelson III
1001-6th Ave
Helena MT 59601

MAILED

MAR 06 2012

OFFICE OF PETITIONS

In re Application of
James M. Nelson III
Application No. 12/151,238
Filed: 08/01/2008
Title: SHEATH AND CONDUCTOR
STRIPPERS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

On June 23, 2011, the Office mailed a Notice of Allowance and Fee(s) Due, advising applicant that payment of both a \$755 issue fee and a \$300.00 publication fee (for a total of \$1055) was due on September 23, 2011. On September 22, 2011, applicant paid the \$755 issue fee but did not submit the \$300 publication fee as required by the Notice of Allowance. Therefore, in the absence of a complete and timely response to the Notice of Allowance, the application became abandoned on September 24, 2011. On October 10, 2011, the Office mailed a Notice of Abandonment informing applicant that the application became abandoned in view of applicant's failure to timely pay the required \$300 publication fee within the statutory three month period from the mailing date of the Notice of Allowance. On December 7, 2011, applicant submitted a petition under 37 CFR 1.181 to withdraw the holding of abandonment and the \$300 publication fee, which was dismissed by the decision of December 16, 2011. On February 9, 2012, petitioner filed the present petition under 37 CFR 1.137(b) to revive the above-identified application.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has: (1) previously supplied the reply in the form of payment of the issue fee and publication fee; (2) paid the petition fee; and (3) made a proper statement of unintentional delay.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: November 5, 2010
Patent No. : 7,672,115 B2
Ser. No. : 12/151259
Issued : March 2, 2010
Inventor(s) Matthias Victor, et al
Title INVERTER

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Thomas R. Vigil
319 Bluff Ct.
Lake Barrington, IL 60010

MD/mt



UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: November 5, 2010
Patent No. : 7,672,115 B2
Ser. No. : 12/151259
Issued : March 2, 2010
Inventor(s) Matthias Victor, et al
Title INVERTER

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Thomas R. Vigil
319 Bluff Ct.
Lake Barrington, IL 60010

MD/mt



Thomas R. Vigil
Law Offices
Patents, Trademarks & Copyrights
319 Bluff Court
Lake Barrington, Illinois 60010
P.O. Box 387, Barrington, Illinois 60011
Telephone: (847) 842-6407
Facsimile: (847) 382-6895
Email: trvigil22@comcast.net

CofL

November 17, 2010

MAIL STOP PETITIONS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Our File Ref. No.: VWWH-40094
U.S. Patent Application Serial No.: 12/151,259
Filed: May 5, 2008
Now U.S. Patent No.: 7,672,115 B2
Granted: March 2, 2010
For: INVERTER

Dear Sir or Madam:

In response to your letter dated November 5, 2010, applicant submits that the failure to include the correct assignee name on the PTOL-85B was inadvertent and enclosed is a copy of the Notice of Recordation of the Assignment document reflecting the reel and frame number of the recorded Assignment, thereby proving the date the Assignment was submitted for recordation.

Applicant further requests that the file be forwarded to the Certificate of Corrections branch for issuance of the Certificate of Correction.

Finally, if any of the errors noted in the Certificate of Correction were errors, such as typographical errors, that appeared in the record and were not the fault of the Office, please effect the corrections pursuant to 37 CFR § 1.323 and charge any fees required under 37 CFR §1.20(a) and/or 37 CFR § 1.117(h) to our **Deposit Account No. 504041**.

Best regards,

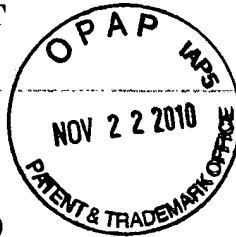
THOMAS R. VIGIL LAW OFFICES

Thomas R. Vigil

TRV/kp
Enclosures



UNITED STATES PATENT
AND TRADEMARK OFFICE



VW44-40074

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: November 5, 2010
Patent No. : 7,672,115 B2
Ser. No. : 12/151259
Issued : March 2, 2010
Inventor(s) Matthias Victor, et al
Title INVERTER

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

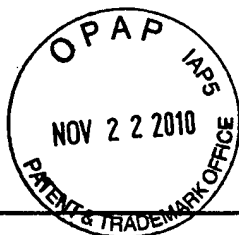
If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Thomas R. Vigil
319 Bluff Ct.
Lake Barrington, IL 60010

MD/mt

TO: THOMAS R. VIGAL, C/O PYLE & PIONTEK, LLC COMPANY: ROOM 2036



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

700377925

JULY 15, 2008

PTAS

THOMAS R. VIGAL, C/O PYLE & PIONTEK, LLC
ROOM 2036
221 N. LASALLE ST
CHICAGO, IL 60601UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENTTHE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 07/14/2008

REEL/FRAME: 021237/0617

NUMBER OF PAGES: 10

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMA TECHNOLOGIE AG

DOC DATE: 04/30/2008

ASSIGNEE:

SMA SOLAR TECHNOLOGY AG

SONNALLE 1

NIESTETAL, GERMANY D-34266

SERIAL NUMBER: 10983205

FILING DATE: 11/05/2004

PATENT NUMBER: 7352549

ISSUE DATE: 04/01/2008

TITLE: METHOD OF AUTOMATICALLY RECOGNIZING AN ELECTRICAL SYSTEM

SERIAL NUMBER: 11154094

FILING DATE: 06/16/2005

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD OF CONVERTING A DIRECT CURRENT VOLTAGE FROM A SOURCE OF
DIRECT CURRENT VOLTAGE, MORE SPECIFICALLY FROM A PHOTOVOLTAIC COUSE
OF DIRECT CURRENT VOLTAGE, INTO A ALTERNATING CURRENT VOLTAGE

TO: THOMAS R. VIGAL, C/O PYLE & PIONTEK, LLC COMPANY: ROOM 2036

021237/0617 PAGE 2

SERIAL NUMBER: 11158961	FILING DATE: 06/22/2005
PATENT NUMBER:	ISSUE DATE:
TITLE: INVERTER WITH A HOUSING HAVING A COOLING UNIT	
SERIAL NUMBER: 11263129	FILING DATE: 10/31/2005
PATENT NUMBER: 7338311	ISSUE DATE: 03/04/2008
TITLE: PROTECTIVE DEVICE FOR A LOAD CURRENT CARRYING APPARATUS	
SERIAL NUMBER: 11399563	FILING DATE: 04/06/2006
PATENT NUMBER:	ISSUE DATE:
TITLE: ELECTRIC COIL OR POWER INVERTER	
SERIAL NUMBER: 11484407	FILING DATE: 07/11/2006
PATENT NUMBER:	ISSUE DATE:
TITLE: METHOD OF FINDING A MAXIMUM POWER OF A PHOTOVOLTAIC GENERATOR	
SERIAL NUMBER: 11650781	FILING DATE: 01/08/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: METHOD FOR CONVERTING DIRECT VOLTAGE INTO THREE-PHASE ALTERNATING VOLTAGE	
SERIAL NUMBER: 11701644	FILING DATE: 02/02/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: APPARATUS FOR ACCOMODATING A PLURALITY OF INDIVIDUAL INVERTERS	
SERIAL NUMBER: 11788341	FILING DATE: 04/19/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: POWER INVERTER	
SERIAL NUMBER: 11803195	FILING DATE: 05/14/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: MEASURING ARRAY	
SERIAL NUMBER: 11890694	FILING DATE: 08/07/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: DEVICE FOR FEEDING ELECTRICAL ENERGY FROM AN ANERGY SOURCE	
SERIAL NUMBER: 11904404	FILING DATE: 09/27/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: SWITCHING DEVICE AND METHOD, IN PARTICULAR FOR PHOTOVOLTAIC GENERATORS	
SERIAL NUMBER: 11977115	FILING DATE: 10/23/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: BIDIRECTIONAL BATTERY POWER INVERTER	
SERIAL NUMBER: 11977270	FILING DATE: 10/23/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: INVERTER	
SERIAL NUMBER: 11978334	FILING DATE: 10/29/2007
PATENT NUMBER:	ISSUE DATE:
TITLE: METHOD OF MONITORING A PHOTVOLTAIC GENERATOR	

TO: THOMAS R. VIGAL, C/O PYLE & PIONTEK, LLC COMPANY: ROOM 2036

021237/0617 PAGE 3

SERIAL NUMBER: 12009975
PATENT NUMBER:
TITLE: BACKUP POWER SYSTEM

FILING DATE: 01/23/2008
ISSUE DATE:

SERIAL NUMBER: 12069329
PATENT NUMBER:
TITLE: CIRCUIT APPARATUS FOR TRANSFORMERLESS CONVERSION OF AN ELECTRIC
DIRECT VOLTAGE INTO AN ALTERNATING VOLTAGE

FILING DATE: 02/08/2008
ISSUE DATE:

SERIAL NUMBER: 12151169
PATENT NUMBER:
TITLE: INVERTER

FILING DATE:
ISSUE DATE:

SERIAL NUMBER: 12151259
PATENT NUMBER:
TITLE: INVERTER

FILING DATE: 05/05/2008
ISSUE DATE:

SERIAL NUMBER: 12151461
PATENT NUMBER:
TITLE: INVERTER CASING

FILING DATE: 05/07/2008
ISSUE DATE:

SERIAL NUMBER: 12151490
PATENT NUMBER:
TITLE: INVERTER COMPRISING A CASING

FILING DATE: 05/07/2008
ISSUE DATE:

SERIAL NUMBER: 12151492
PATENT NUMBER:
TITLE: POWER MATCHING METHOD

FILING DATE: 05/07/2008
ISSUE DATE:

SERIAL NUMBER: 29289745
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 07/31/2007
ISSUE DATE:

SERIAL NUMBER: 29307408
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 04/18/2008
ISSUE DATE:

SERIAL NUMBER: 29307409
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 04/18/2008
ISSUE DATE:

SERIAL NUMBER: 29307422
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 04/18/2008
ISSUE DATE:

SERIAL NUMBER: 29307423
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 04/18/2008
ISSUE DATE:

SERIAL NUMBER: 29307426
PATENT NUMBER:
TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

FILING DATE: 04/18/2008
ISSUE DATE:

USPTO

7/16/2008 7:38:02 AM PAGE 5/007 Fax Server

TO:THOMAS R. VIGAL, C/O PYLE & PIONTEK, LLC COMPANY:ROOM 2036

021237/0617 PAGE 4

SERIAL NUMBER: 29307453

FILING DATE: 04/18/2008

PATENT NUMBER:

ISSUE DATE:

TITLE: DISPLAY FOR INVERTER FOR PHOTOVOLTAIC INSTALLATION

LAZENA MARTIN, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,672,115 B2

APPLICATION NO.: 12/151,259

ISSUE DATE : March 2, 2010

INVENTOR(S) : Matthias Victor; Andreas Donth; Johannes Hade; Joachim Laschinski and Alexander Benn

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(73) Assignee: SMA Technology AG, Niestetal (DE)

should be: --"(73) Assignee: SMA Solar Technology AG, Niestetal, (DE)--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Thomas R. Vigil, THOMAS R. VIGIL LAW OFFICES
319 Bluff Ct. Lake Barrington, ILLINOIS 60010

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of
Theoharides
Application No. 12/151,268
Filed: 6 May, 2008
Attorney Docket No. 2003133.129 US1

DECISION ON PETITION
UNDER 37 C.F.R. 1.78(a)(3)

This is a decision on the petition under 37 C.F.R. § 1.78(a)(3), filed on 6 January, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §120 is accepted as being unintentionally delayed.

Application No. 12/151,268

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 C.F.R. §1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS,
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/151,268	05/06/2008	1655	515	2003133.129 US1	20	1

CONFIRMATION NO. 1374

CORRECTED FILING RECEIPT



OC000000043545888

23483
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

Date Mailed: 09/17/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Theoharis C. Theoharides, Brookline, MA;

Power of Attorney: The patent practitioners associated with Customer Number 23483

Domestic Priority data as claimed by applicant

This application is a CIP of 11/999,991 12/10/2007 *
which is a CIP of 11/651,161 01/10/2007 PAT 7,759,307
which is a CIP of 10/811,828 03/30/2004 ABN

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 05/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/151,268**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for protecting humans against superficial vasodilator flush syndrome,

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The JL Salazar Law Firm PLLC
1939 W. Gray Street
Suite 200
Houston TX 77019-4815

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of
Frank B. SPRINGETT et. al.
Application No. 12/151,279
Filed: May, 5, 2008
Attorney Docket No. DQ 116 DIV

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2010 to revive the above-identified application.

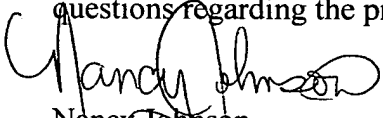
The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee (and publication fee) in a timely manner in reply to the Notice of Allowance mailed May 13, 2009, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 14, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee¹ and payment of the publication fee; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment (and Publication Fee) are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3219.

The Office of Data Management (Pubs) has been advised of this decision. The application is, thereby, referred to the Office of Data Management (Pubs) for processing into a patent. Any questions regarding the printed copy of the patent may be directed to Pubs at (571) 272-4200.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

¹ There was no distinct but concurrent requirement for drawings.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS R. LAMPE
BIELLEN, LAMPE & THOEMING
1390 WILLOW PASS ROAD,
SUITE 1020
CONCORD CA 94520

In re Application of

Hull

Application No. 12/151,313

Filed: May 6, 2008

Attorney Docket No. **HULL#2**

MAILED

AUG 06 2011

OFFICE OF PETITIONS

: DECISION ON PETITION

:

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 14, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 15, 2010. A Notice of Abandonment was mailed on December 23, 2010.

The amendment filed July 20, 2010, is noted.

The request for the extension of time within the third month filed July 20, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of \$555.00 will be refunded, in due course.

The application is being forwarded to Technology Center GAU 2875 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VINCENT T. ROBERT
4006 VINCENT STATION DRIVE
OWENSBORO KY 42303

In re Application of

Robert, et al.

Application No. 12/151,357

Filed: May 6, 2008

Attorney Docket No.

MAILED
NOV 22 2010
OFFICE OF PETITIONS

: DECISION ON PETITION

:

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed April 26, 2010, which set a shortened period for reply of one (1) month from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 27, 2010. A Notice of Abandonment was mailed August 30, 2010.

The amendment filed September 16, 2010, is noted.

The application is being forwarded to Technology Center 3600, GAU 3641 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED

SEP 30 2010

In re Application of

Yosef Stein et al.

Application No. 12/151,392

Filed: May 6, 2008

Attorney Docket No. ANA-077

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gareth K. Galster on behalf of all attorneys/agents associated with customer 26308. All attorneys/agents associated with customer number 26308 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: I. Edward Salinas
525 Point Ridge Road
Racine, WI 53402



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/151,392	05/06/2008	I. Edward Salinas	9758.19994

26308
RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

CONFIRMATION NO. 1417
POWER OF ATTORNEY NOTICE



Date Mailed: 09/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/20/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
PO BOX 1497
MADISON WI 53701-1497

MAILED
DEC 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Salinas, et al.	:	
Application No. 12/151,392	:	ON REQUEST FOR
Filed: May 6, 2008	:	RECONSIDERATION OF
Attorney Docket Number: 093291-0107	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed December 23, 2011. Applicants believe that the PTA should be accorded an additional one hundred sixty-three (163) days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent pursuant to 37 CFR 1.702(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **six hundred seventy-four (674) days**.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CAROL H. PETERS
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of :

SHERMAN, Lawrence M. :

Application No. 12/151,436 :

Filed: May 05, 2008 :

Attorney Docket No. **07473-032C01US** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Lawrence M. Sherman attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3686 for action on the merits commensurate with this decision.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 1, 2011

THE H.T. THAN LAW GROUP
12505 Park Potomac Avenue
Suite 520
Potomac MD 20854

In re Application of	:	
Dimitri Peter Zafiroglu	:	DECISION ON PETITION
Application No. 12151472	:	
Filed: 5/7/2008	:	<i>ACCEPTANCE OF COLOR</i>
Attorney Docket No. DZS-013	:	<i>DRAWINGS</i>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 7, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/151,506	05/07/2008	Daaven S. Messinger	EU001	1576

7590 09/20/2011
Daaven Shawn Messinger
2302 Valley High Circle
Austin, TX 78744

EXAMINER

SANDIFER, MATTHEW D

ART UNIT	PAPER NUMBER
----------	--------------

2193

MAIL DATE	DELIVERY MODE
-----------	---------------

09/20/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)


The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 22, 2011

Pequignot + Myers LLC
90 North Coast Highway 101
Suite 208
Encinitas CA 92024

In re Application of	:	
Roger Phillips et al.	:	DECISION ON PETITION
Application No. 12151511	:	
Filed: 05/07/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 18-288 US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 7, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 5, 2012

Pequignot + Myers LLC
90 North Coast Highway 101
Suite 208
Encinitas CA 92024

In re Application of	:	
Roger Phillips et al.	:	DECISION ON PETITION
Application No. 12151524	:	
Filed: 5/7/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 18-295 US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 7, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12151600	
Filing Date	08-May-2008	
First Named Inventor	Daniel Boone	
Art Unit	2839	
Examiner Name	PEDRO CUEVAS	
Attorney Docket Number	DB CIP 08-001	
Title	VERTICAL AXIS WIND TURBINE WITH ANGLED BRACES	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p> <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY. </p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p> <input checked="" type="checkbox"/> Issue Fee Transmittal is attached </p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Gary P. Topolosky/
Name	Gary P. Topolosky1
Registration Number	31888



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 21, 2012

In re Application of :

Daniel Boone

Application No : 12151600

Filed : 08-May-2008

Attorney Docket No : DB CIP 08-001

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 21, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROBERT A. MUHA
REED SMITH, LLP
PO BOX 488
PITTSBURGH, PA 15230**

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Masaharu Ito	:	
Application No. 12/151,770	:	DECISION ON PETITION
Filed: May 9, 2008	:	TO WITHDRAW
Attorney Docket No. 135414-2115	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 13, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Robert A. Muha does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Robert A. Muha not having power of attorney. See MPEP §§ 601.03 and 405.

Further, a review of USPTO records reveals that the Customer Number 26418 is not the proper Customer Number for the above-identified application according to the Oath/Declaration submitted August 19, 2008.

All future communications from the Office will continue to be directed to the address listed below until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 6, 2012

In re Application of :

Masaharu Ito

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12151770

Filed : 09-May-2008

Attorney Docket No : 135414-2115

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2883 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12151770	
Filing Date	09-May-2008	
First Named Inventor	Masaharu Ito	
Art Unit	2883	
Examiner Name	PETER RADKOWSKI	
Attorney Docket Number	135414-2115	
Title	LIQUID DROPLET JETTING APPARATUS AND RECORDING APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Joseph W. Treloar/
Name	Joseph W. Treloar
Registration Number	60975



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ATIDA LLC
ATTN: STEVEN RUEBEN
3862 RUSKIN STREET
LAS VEGAS NV 89147

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of
Gabriel Jakobson
Application No. 12/151,827
Filed: May 8, 2008
Attorney Docket No. WIDEWEKE

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 6, 2011, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GERALD B ROSENBERG
NEW TECH LAW
260 SHERIDAN AVENUE
SUITE 208
PALO ALTO CA 94306-2009

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Fornari	:	
Application No. 12/151,831	:	DECISION
Filed: 9 May, 2008	:	
Attorney Docket No. FNMB3004	:	

This is a decision on the petition filed on 6 August, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Counsel failed to reply timely and properly to the non final Office Action mailed on 30 December, 2009, with reply due absent extension of time on or before 30 March, 2010.

The application went abandoned by operation of law after midnight 30 March, 2010.

The Office mailed a Notice of Abandonment 20 July, 2010.

On 6 August, 2010, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, a reply in the form of an amendment, and made the statement of unintentional delay.

Application No. 12/151,831

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.


³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/151,831

The instant application is released to Technology Center/AU 2442 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROBERT A. MUHA
REED SMITH, LLP
PO BOX 488
PITTSBURGH, PA 15230**

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Masaharu Ito	:	
Application No. 12/151,834	:	DECISION ON PETITION
Filed: May 9, 2008	:	TO WITHDRAW
Attorney Docket No. 135414-2114	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 13, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Robert A. Muha does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Robert A. Muha not having power of attorney. See MPEP §§ 601.03 and 405.

Further, a review of USPTO records reveals that the Customer Number 26418 is not the proper Customer Number for the above-identified application according to the Oath/Declaration submitted August 29, 2008.

All future communications from the Office will continue to be directed to the address listed below until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE CA 95134-1709

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of	:	
EDWARD L. GRIVNA	:	DECISION DISMISSING PETITION
Application No. 12/151,858	:	UNDER 37 CFR 1.78(a)(6)
Filed: May 9, 2008	:	
Attorney Docket No. CD07265	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 19, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/916,963 filed May 9, 2007.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) for acceptance of a delayed benefit claim is only applicable to those applications filed on or after November 29, 2000, and after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) because the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(5)(i) has not be properly supplied.

Applicant made a request on page 2 of the present petition that "Application No. 12/151,858 claim the benefit of U.S. Provisional Application No. 60/916,963, filed May 9, 2007, and that the

By mail: **Mail Stop PETITIONS**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence may also be submitted via the electronic filing system of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE CA 95134-1709

MAILED

JAN 19 2012

OFFICE OF PETITIONS

In re Application of	:	
EDWARD L. GRIVNA	:	DECISION DISMISSING PETITION
Application No. 12/151,858	:	UNDER 37 CFR 1.78(a)(6)
Filed: May 9, 2008	:	
Attorney Docket No. CD07265	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed January 13, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/916,963 filed May 9, 2007, as set forth in the currently filed Application Data Sheet (ADS).

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

The Office notes that the reference to the prior-filed provisional application included in the ADS filed January 13, 2012, is acceptable. However, the amendment, filed January 13, 2012, to add the reference to the prior-filed provisional application in the first sentence of the specification following the title is not acceptable as drafted because it is physically part of the petition, and therefore, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2629 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/151,858	05/09/2008	2629	1030	CD07265	20	3

CONFIRMATION NO. 2542

CORRECTED FILING RECEIPT



OC000000052066796

60909
CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE, CA 95134-1709

Date Mailed: 01/19/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Edward L. Grivna, Brooklyn Park, MN;

Power of Attorney: The patent practitioners associated with Customer Number 60909

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/916,963 05/09/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/11/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/151,858**

Projected Publication Date: 02/23/2012

Non-Publication Request: No

Early Publication Request: No

Title

Electret stylus for touch-sensor device

Preliminary Class

178

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BATTELLE MEMORIAL INSTITUTE
ATTN: IP LEGAL SERVICES, K1-53
P.O. BOX 999
RICHLAND WA 99352**

**MAILED
FEB 01 2011
OFFICE OF PETITIONS**

In re Application of	:
Julia LASKIN et al.	:
Application No. 12/151,945	: DECISION ON PETITION
Filed: May 09, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 15596-E	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 05, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

This pending nonprovisional application was filed on May 09, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/917,509, which was filed on May 11, 2007, and for which priority is claimed. A

reference to the prior-filed provisional application must be included by way of an amendment to the first sentence of the specification following the title.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and an amendment (complying with 37 CFR 1.121) is required.

As authorized, the \$1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's account.

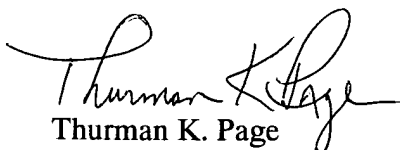
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
MAR 16 2012
OFFICE OF PETITIONS

In re Application of	:	
KLEY	:	
Application No. 12/152,032	:	DECISION ON PETITION
Filed: May 10, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0077679-000004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 1, 2012, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

The application is being referred to Technology Center Art Unit 2894 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,071	05/12/2008	James Scott		3403

James Scott
712 Porta Rosa Circle
Saint Augustine, FL 32092

7590 01/06/2011

EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
----------	--------------

3752

MAIL DATE	DELIVERY MODE
-----------	---------------

01/06/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Donna M. Cotter
131 Greenfield Ave.
San Rafael CA 94901

MAILED

APR 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Donna m. COTTER et al.	:	
Application No. 12/152,110	:	ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2011, and supplemented on March 18, 2011 and April 4, 2011, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 17, 2009, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 18, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to the Office of Data Management.


David Buccia
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Donna M. Cotter
131 Greenfield Ave.
San Rafael CA 94901

MAILED

APR 22 2011

OFFICE OF PETITIONS

In re Application of :
Donna M. COTTER et al. :
Application No. 12/152,110 :
Filed: May 5, 2008 :
Attorney Docket No. :

ON PETITION

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2011, and supplemented on March 18, 2011, April 4, 2011, and April 19, 2011 to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 17, 2009, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 18, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. The April 19, 2011 supplement to the petition provided a properly signed PTOL-85 Part B. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to the Office of Data Management.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

R. Ruschena Patent Agent, LLC
8400 E. Crescent Parkway, Suite 600
Greenwood Village CO 80111

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of
Bertero
Application No. 12/152,152
Filed: May 13, 2008
Attorney Docket No. COMPOSITE-
STRUCTURE PANEL FOR BUILDINGS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned February 16, 2011 for failure to timely submit a proper reply to the final Office action mailed October 15, 2010. A petition for one month extension of time for reply was timely filed. Notice of Abandonment was mailed May 10, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3633 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12152167	Confirmation Number	3938	Filing Date	2008-05-13
Attorney Docket Number (optional)	RAR105.18	Art Unit	3779	Examiner	Henderson, Ryan N
First Named Inventor	Stanley F. Chang				
Title of Invention	Device to Facilitate Suctioning of Fluid During Gastrointestinal Endoscopy				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
Stanley	F.	Chang			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature. Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Richard A. Ryan/		Date (YYYY-MM-DD)	2010-01-18	
Name	Richard A. Ryan		Registration Number	39,01	

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Stanley F. Chang

Application No. 12152167

Filed: May 13, 2008

Attorney Docket No. RAR105.18

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 18-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WAGNER, ANDERSON & BRIGHT, PC
3541 OCEAN VIEW BLVD
GLENDALE CA 91208

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of
Candace R. Keefe et al.
Application No. 12/152,178
Filed: May 13, 2008
Attorney Docket No.: **UT- 122406 DIV**

ON PETITION

This is a decision on the petition filed March 7, 2011, under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed August 25, 2010 set the longer of one month or thirty days as the period for reply. No response to the Restriction Requirement having been timely filed, the application became abandoned September 28, 2010. Accordingly, a Notice of Abandonment was mailed March 16, 2011, after the filing of the instant petition.

The petition fee in the amount of \$810 has been applied to the finance records for the instant patent application.

Additionally, the record reveals that after the abandonment and with the instant petition to revive, a three month extension of time was filed, however, pursuant to 37 CFR

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$555 extension of time fee submitted with the petition on March 7, 2011 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to the credit card provided.

The response to the Restriction Requirement filed March 7, 2011 will be referred to Technology Center 1655 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SALLY J. BROWN
AUTOLIV ASP, INC.
3350 AIRPORT ROAD
OGDEN, UT 84405

MAILED

SEP 29 2010

In re Application of	:	OFFICE OF PETITIONS
Robert E. LEWIS, et al.	:	
Application No. 12/152,180	:	DECISION GRANTING PETITION
Filed: May 13, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14539/2949.2.221	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Craig J. Madson appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Madson desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Madson, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

CC: **CRAIG J. MADSON**
MADSON IP, PC
1466 NORTH HIGHWAY 89, SUITE 230
OLD SHEPARD COMMONS
FAMINGTON, UT 84025



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 8, 2011

In re Application of :

Paul Greiff

Application No : 12152196

Filed : 12-May-2008

Attorney Docket No : 801107

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed November 8, 2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12152196	
Filing Date	12-May-2008	
First Named Inventor	Paul Greiff	
Art Unit	1725	
Examiner Name	ALLISON BOURKE	
Attorney Docket Number	801107	
Title	METHOD AND STRUCTURE, USING FLEXIBLE MEMBRANE SURFACES, FOR SETTING AND/OR MAINTAINING A UNIFORM MICRON/SUB-MICRON GAP SEPARATION BETWEEN JUXTAPOSED PHOTSENSITIVE AND HEAT-SUPPLYING SURFACES OF PHOTOVOLTAIC CHIPS AND THE LIKE FOR THE GENERATION OF ELECTRICAL POWER	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Douglas D Russell/
Name	Douglas D Russell
Registration Number	40152



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG - 8 2011

Michael A. Guth
2-2905 East Cliff Drive
Santa Cruz, CA 95062

In re Application of:

Bevirt, JoeBen : SUA SPONTE
Application No. 12/152,273 : DECISION TO WITHDRAW
Filed: May 12, 2008 : ABANDONMENT
For: LEVEL INDICATOR CLIP FOR :
TRIPODS AND OTHER STRUCTURES :

A Sua Sponte review of the above-noted application file has been conducted. As a result, it has been determined that certain errors on the part of the Office have occurred. In particular, it has been determined that the holding of abandonment on January 18, 2011 was premature. The purpose of this communication is to correct this error and clarify the record.

A review of the file history indicates that the examiner held the application abandoned for applicant's failure to timely file a proper reply to the Office letter mailed on July 06, 2010. However, the Office did receive a response from the applicant on January 06, 2011 with a three month extension of time. Therefore, applicant's response did constitute a "proper reply" and the holding of abandonment on January 18, 2011 was incorrect and premature.

Accordingly, the holding of abandonment is hereby **VACATED**.

An Office action by the examiner is forthcoming.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Terrell Mckinnon at (571) 272-4797.


Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

tm:7/20/11

LM



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Mark A. Litman & Associates, P.A.
York Business Center, Ste. 205
3209 West 76th Street
Edina MN 55435

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Solar et al.	:	
Application No. 12/152,280	:	DECISION ON PETITION
Filed: May 13, 2008	:	PURSUANT TO
Attorney Docket No.: 520.006US1	:	37 C.F.R. § 1.137(a)
Title: DEVICE AND METHOD FOR	:	
DELIVERING THERAPEUTIC AGENTS	:	
TO AN AREA OF THE BODY	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), submitted on September 15, 2010, seeking the revival of the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

On November 25, 2009, an Appeal Brief was filed in the Office. The above-identified application became abandoned for failure to reply in a timely manner to the Notification of Non-Compliant Appeal Brief (37 C.F.R. § 41.37), mailed December 21, 2009, which set a shortened statutory period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 22, 2010. A notice of abandonment was mailed on August 16, 2010.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that

the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received (emphasis added). A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v.*

Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted, *inter alia*, a second Appeal Brief and two statements of facts.

Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as a terminal disclaimer is not required.¹

Regarding the third requirement of Rule 1.137(a), the record does not support a finding that the entire period of delay was unavoidable.

Petitioner has indicated that the Office action was not received at the correspondence address of record.² Petitioner has further provided a description of the system used for recording an Office action received at the correspondence address of record with the USPTO, such that it has been established that the docketing system is sufficiently reliable. The record establishes that Office correspondence is "entered into the appropriate file" and entered into "a physical and database docket system, with notice provided to the attorney as to the necessary date for reply," and the physical files are placed in

¹ See Rule 1.137(d).

² Petition, paragraphs 9 and 13(g). Taylor statement of facts, paragraphs 9 and 13(g). Litman statement of facts, paragraph 13(g).

his office in chronological piles³ Petitioner has further added that responses are placed onto a docket calendar and a monthly response sheet which he reviews on a daily basis. Moreover, Petitioner has included a copy of the records where the non-received Office communication would have been entered had it been received, and these items constitute the master docket.⁴

However Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

Petitioner has not indicated "that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received."⁵ **Petitioner has made reference to both an electronic docketing system and a pile of patent applications in his office, however the record does not support a finding that these items have been reviewed, and the relevant Office communication was not located therein.**

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁶ hand-delivery,⁷ or facsimile.⁸ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁹

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything

3 Petition, paragraphs 10 and 13(c) - (d) and Litman statement of facts, paragraphs 10 and 13(c) - (d). See also Exhibits 1 and 2 and Taylor statement of facts, paragraphs 10 and 13(c) - (d).

4 Exhibits 1 and 2.

5 MPEP § 711.03(c)(I)(A).

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300 - please note this is a central facsimile number.

9 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.¹⁰ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

¹⁰ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Mark A. Litman & Associates, P.A.
York Business Center, Ste. 205
3209 West 76th Street
Edina MN 55435

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Solar et al.	:	
Application No. 12/152,280	:	DECISION ON RENEWED PETITION
Filed: May 13, 2008	:	PURSUANT TO
Attorney Docket No.: 520.006US1	:	37 C.F.R. § 1.137(a)
Title: DEVICE AND METHOD FOR	:	
DELIVERING THERAPEUTIC AGENTS	:	
TO AN AREA OF THE BODY	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a), submitted on December 17, 2010, seeking the revival of the above-identified application.

The renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**.

On November 25, 2009, an Appeal Brief was filed in the Office. The above-identified application became abandoned for failure to reply in a timely manner to the Notification of Non-Compliant Appeal Brief (37 C.F.R. § 41.37), mailed December 21, 2009, which set a shortened statutory period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 22, 2010. A notice of abandonment was mailed on August 16, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);

Decision on renewed petition pursuant to Rule 1.137(a)

- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on September 15, 2010, along with, *inter alia*, a second Appeal Brief and two statements of facts.

The original petition was dismissed via the mailing of a decision on November 8, 2010, which indicated that requirements (1) and (2) of Rule 1.137(a) had been satisfied, and that the fourth requirement is not applicable, as a terminal disclaimer is not required.¹ The decision indicated, *in pertinent part*:

Petitioner has not indicated "that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received."² **Petitioner has made reference to both an electronic docketing system and a pile of patent applications in his office, however the record does not support a finding that these items have been reviewed, and the relevant Office communication was not located therein (emphasis included).**

Decision on original petition, page 4.

With this renewed petition, this deficiency has been rectified.³

It follows that the third requirement of Rule 1.137(a) has been satisfied.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the appeal brief which was received with this renewed petition on December 17, 2010 can be processed in due course.

¹ See Rule 1.137(d).

² MPEP § 711.03(c)(I)(A).

³ Taylor statement of facts submitted with renewed petition, page 5, paragraphs 15-17 (numbered 1-3) and Litman statement of facts submitted with renewed petition, page 5, paragraphs 15-17.

Decision on renewed petition pursuant to Rule 1.137(a)

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.⁴ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁴ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :
Henry, et al. : DECISION ON PETITION
Application No. 12/152,314 :
Filed: May 14, 2008 :
Atty. Dkt. No.: 0077679-000005 :

This is a decision on the petition under 37 CFR 1.181, filed January 25, 2012, to withdraw the holding of abandonment in the above-identified application.

The Notice of Abandonment mailed December 17, 2010 indicates that the instant application is abandoned for failure to timely reply to the non-final Office action mailed June 10, 2010.

In accordance with 37 CFR 1.181(f), any petition filed pursuant to 37 CFR 1.181 not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable. The instant petition is untimely filed more than a year after the abandonment of the application more than nine months after the date of mailing of the Notice of Abandonment.

In view thereof, the petition is **DISMISSED AS UNTIMELY.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not

appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 22 2011

OFFICE OF PETITIONS

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

In re Application of

James R. Keene

Application No. 12/152,359

Filed: May 15, 2008

Attorney Docket No. KBLDP0103US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

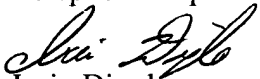
This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 28, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Anthony Edw. J Campbell does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Anthony Edw. J Campbell
P.O. Box 160370
Austin, TX 78716-0370

**LISTING OF ALL PATENTABLE CLAIMS IN CORRESPONDING
PCT APPLN. NO. PCT/US2008/080123**

2. The transseptal guidewire of claim 1, wherein the proximal curve and the distal curve occupy the same plane.
9. The transseptal guidewire of claim 1, wherein at least a portion of the end section has a first dimension in a first direction transverse to the longitudinal axis of the elongated body that is larger than a second dimension in a second direction transverse to the longitudinal axis.
10. The transseptal guidewire of claim 9, the first dimension being between about 0.008 and about 0.014 inch.
11. The transseptal guidewire of claim 10, the first dimension being about 0.012 inch.
12. The transseptal guidewire of claim 9, the second dimension being less than about 0.008 inch.
13. The transseptal guidewire of claim 12, the second dimension being about 0.004 inch.
16. The transseptal guidewire of claim 1, the distal section of the transseptal guidewire having a longitudinal axis and a perforating tip laterally offset from the longitudinal axis, wherein the perforating tip in a relaxed configuration is offset from the longitudinal axis a distance from about 0.01 to about 0.05 inch for an adult system.
17. The transseptal guidewire of claim 16, the perforating tip in the relaxed configuration being offset from the longitudinal axis a distance of about 0.03 inch.
18. The transseptal guidewire of claim 1, wherein the perforating tip in a relaxed configuration is offset from the longitudinal axis a distance from about 0.005 to about 0.03 inch for a pediatric system.
19. The transseptal guidewire of claim 18, the perforating tip in the relaxed configuration being offset from the longitudinal axis a distance of about 0.02 inch.
20. The transseptal guidewire of claim 1, at least a portion of the end section being ovalized.
21. The transseptal guidewire of claim 20, the ovalized portion of the end section being about 0.75 inch long.

22. The transseptal guidewire of claim 1 further comprising an imagable section proximal of the end section.

23. The transseptal guidewire of claim 22, the imagable section having a substantially circular cross-section.

24. The transseptal guidewire of claim 23, the imagable section having a diameter of about 0.008 in.

25. The transseptal guidewire of claim 22, further comprising a tapered transition from the imagable section to an adjacent portion of the elongated body.

26. The transseptal guidewire of claim 22, the imagable section comprising at least one radiopaque marker.

27. The transseptal guidewire of claim 26, the at least one radiopaque marker comprising a radiopaque coil.

28. The transseptal guidewire of claim 1, wherein the distal curve renders the transseptal guidewire less traumatic when the distal curve is unsupported.

29. The transseptal guidewire of claim 1, wherein the distal curve reduces the depth of penetration of a tip of the transseptal guidewire when the distal curve is unsupported.

30. The transseptal guidewire of claim 29, wherein the depth of penetration is less than the length of the distal curve.

31. A system configured to perforate the intra-atrial septum comprising:

a transseptal access system including a wall defining a lumen extending from a proximal section to a distal opening, the lumen being reduced in size from a first diameter in the proximal section to a second diameter at the distal opening, the second diameter being smaller than the first diameter;

a transseptal guidewire configured to be inserted into the lumen of the transseptal access system, the transseptal guidewire having a distal section with a longitudinal axis and a perforating tip laterally offset from the longitudinal axis, wherein the perforating tip of the transseptal guidewire is configured to be offset from the wall of the transseptal access system a distance that is equal to or smaller than the second diameter of the lumen of the transseptal access system, thereby reducing or avoiding contact between the perforating tip of the transseptal guidewire

and the wall as the perforating tip is advanced distally through the distal opening of the transseptal access system.

32. The system of claim 31, wherein the perforating tip of the transseptal guidewire is configured to be offset from the wall of the transseptal access system a distance that is equal to or larger than half the difference between the first diameter and the second diameter of the lumen of the transseptal access system.

33. The system of claim 31, wherein the perforating tip of the transseptal guidewire is configured to be offset from the wall of the transseptal access system a distance that is between about .01 inch and about .05 inch.

34. The system of claim 31, wherein the perforating tip in a relaxed configuration is offset from the longitudinal axis of the distal section a distance from about .01 to about .05 inch.

35. The system of claim 34, the perforating tip in the relaxed configuration being offset from the longitudinal axis a distance of about .03 in.

36. The system of claim 31, wherein the distal curve renders the transseptal guidewire less traumatic when the distal curve is unsupported.

37. The system of claim 31, wherein the distal curve reduces the depth of penetration of the perforating tip of the transseptal guidewire when the distal curve is unsupported.

38. The system of claim 37, wherein the depth of penetration is less than the length of the distal curve.

45. The transseptal guidewire of claim 39, at least a portion of the end section being ovalized.

46. The transseptal guidewire of claim 45, the ovalized portion of the end section being about ½ in long.

47. The transseptal guidewire of claim 39, the first dimension being between about 0.008 and about 0.014 in.

48. The transseptal guidewire of claim 47, the first dimension being about 0.011 in.

49. The transseptal guidewire of claim 39, the second dimension being less than about 0.008 in.

50. The transseptal guidewire of claim 49, the second dimension being about 0.005 in.

51. The transseptal guidewire of claim 39 further comprising an imagable section proximal of the end section.

52. The transseptal guidewire of claim 51, at least a portion of the imagable section having a cross-sectional area smaller than a maximum cross-sectional area of the elongated body.

53. The transseptal guidewire of claim 52, the imagable section having a substantially circular cross-section.

54. The transseptal guidewire of claim 53, the imagable section having a diameter of about 0.008 in.

55. The transseptal guidewire of claim 51 further comprising a tapered transition from the imagable section to an adjacent portion of the elongated body.

56. The transseptal guidewire of claim 51, the imagable section comprising at least one radiopaque marker.

57. The transseptal guidewire of claim 56, the imagable section comprising between three and five radiopaque markers.

58. The transseptal guidewire of claim 56, the at least one radiopaque marker comprising a band.

59. The transseptal guidewire of claim 58, the band being mounted by adhesive.

60. The transseptal guidewire of claim 59, wherein the adhesive comprises a low viscosity cyanoacrylate.

61. The transseptal guidewire of claim 58, the band being mounted by swaging.

62. The transseptal guidewire of claim 58, the band having a circumference not exceeding the maximum circumference or perimeter of the end section.

63. The transseptal guidewire of claim 62, the band having an outer diameter greater than about 0.010 in.

64. The transseptal guidewire of claim 58, the band having an inner diameter smaller than the first dimension of the end section.

65. The transseptal guidewire of claim 64, the band having an inner diameter less than about 0.011 in.

66. The transseptal guidewire of claim 56, the radiopaque marker comprising a platinum/iridium alloy.

67. The transseptal guidewire of claim 39, wherein the elongate body comprises superelastic nitinol material.

68. A transseptal guidewire configured to perforate the intra-atrial septum having an elongated body with an end section biased to a curved configuration and a tapered distal section, the elongate body comprising an imagable section proximal of the end section, the imagable section comprising at least one radiopaque marker, and at least a portion of the end section having a first dimension in a first direction transverse to a longitudinal axis of the elongated body that is larger than a second dimension in a second direction transverse to the longitudinal axis.

69. The transseptal guidewire of claim 68, wherein the at least one radiopaque marker is exclusively positioned along the imagable section.

75. A system configured to perforate the intra-atrial septum comprising:

a transseptal access system including a wall defining a lumen, the lumen having a first section with a first diameter, a second section with a second diameter smaller than the first diameter, and a transition step defined between the first and second sections;

a transseptal guidewire configured to be inserted within the lumen of the transseptal access system, the transseptal guidewire having an elongated body and a distal section, the distal section having a longitudinal axis and a perforating tip laterally offset from the longitudinal axis, wherein the perforating tip of the transseptal guidewire is configured to be offset from the wall of the transseptal access system a distance that is equal to or larger than the transition step defined between the first and second sections of the lumen of the transseptal access system but equal to or smaller than the sum of the transition step and the second diameter, thereby reducing contact between the perforating tip and the transition step as the perforating tip is advanced through the lumen from the first section to the second section of the lumen.

76. The system of claim 75, wherein the second section is distal of the first section.

77. The system of claim 75, wherein the transition step corresponds in size to half the difference between the first diameter and the second diameter.

78. The system of claim 75, wherein a lateral offset of the perforating tip of the transseptal guidewire corresponds to a distance from the longitudinal axis along a perpendicular axis, the distance being from about .01 inch to about .05 inch.

79. The system of claim 75, wherein the configuration of the perforating tip of the transseptal guidewire extends from the inner surface of the lumen a distance that is smaller than the distance across the lumen.

80. The system of claim 75, wherein the perforating tip in a relaxed configuration is offset from the longitudinal axis of the distal section a distance from about .01 to about .05 in.

81. The system of claim 80, the perforating tip in the relaxed configuration being offset from the longitudinal axis a distance of about 0.03 inch.

82. The system of claim 75, wherein the distal curve renders the transseptal guidewire less traumatic when the distal curve is unsupported by the transseptal access system.

83. The system of claim 75, wherein the distal curve reduces the depth of penetration of the perforating tip of the transseptal guidewire when the distal curve is unsupported by the transseptal access system.

84. The system of claim 83, wherein the depth of penetration is less than the length of the distal curve.

85. A system configured to perforate the intra-atrial septum comprising:

a transseptal access system defining a lumen, the lumen having a first section with a first diameter, a second section with a second diameter smaller than the first diameter, and a transition step defined between the first and second sections;

a transseptal guidewire configured to be inserted within the lumen of the transseptal access system having an elongated body, an end section biased in a curved configuration to define a proximal curve, a distal section biased in a curved configuration to define a distal curve, and a distal perforating tip;

the distal curve being oriented in a direction generally opposite that of the proximal curve, thereby reducing contact between the perforating tip and the transition step as the perforating tip is advanced through the lumen from the first section to the second section of the lumen.

86. A system configured to perforate the intra-atrial septum comprising:

a transseptal access system defining a lumen, the lumen having a first section with a first diameter, a second section with a second diameter smaller than the first diameter, and a transition step defined between the first and second sections;

a transseptal guidewire configured to be inserted within the lumen of the transseptal access system having an elongated body, a perforating tip, and means for reducing contact between the perforating tip and the transition step as the perforating tip is advanced through the lumen from the first section to the second section of the lumen.

87. The system of claim 86, the reducing means offsetting the perforating tip from an axis of the elongated body of the transseptal guidewire.

88. The system of claim 87, the reducing means being selected from the group consisting of a curve, a bend, and an angle formed in a distal section of the transseptal guidewire.

90. A method of forming a transseptal guidewire configured to perforate the intra-atrial septum, the method comprising the steps of:

forming a proximal curve in an end section of an elongated body such that it is biased in a curved configuration; and

forming a distal curve in a distal section of the elongated body such that it is biased in a curved configuration and oriented in a direction generally opposite that of the proximal curve.

91. A method of fabricating a transseptal guidewire comprising the steps of:

coupling at least one radiopaque marker to an elongate body to form an imagable section of the elongate body;

ovalizing at least a portion of an end section of the elongate body distal of the imagable section; and

heat curving at least a portion of the end section to provide a curved configuration.

92. The method of claim 91, further comprising the step of centerless grinding the elongate body.

93. The method of claim 92, wherein said centerless grinding step comprises grinding the elongate body at the imagable section to a diameter less than a maximum diameter of the elongated body.

94. The method of claim 92, wherein said centerless grinding step comprises forming a pointed tip at a distal end of the tapered distal section.

95. The method of claim 91, wherein said coupling step comprises adhering the at least one radiopaque marker with a low viscosity adhesive.

96. The method of claim 91, wherein said ovalizing step comprises forming a first dimension in a first direction transverse to a longitudinal axis of the elongated body and a second dimension in a second direction transverse to the longitudinal axis, the first dimension being larger than the second dimension.

97. The method of claim 91, wherein said ovalizing step comprises pressing the portion of the end section.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference ARMT-107WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2008/080123	International filing date (<i>day/month/year</i>) 16 October 2008 (16.10.2008)	Priority date (<i>day/month/year</i>) 19 October 2007 (19.10.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant PRESSURE PRODUCTS MEDICAL SUPPLIES, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 12 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 20 April 2010 (20.04.2010) Authorized officer <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div> e-mail: pt03.pct@wipo.int
---	---

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/080123

International filing date (day/month/year)
16.10.2008

Priority date (day/month/year)
19.10.2007

International Patent Classification (IPC) or both national classification and IPC
INV. A61M25/09
ADD. A61B17/00

Applicant
PRESSURE PRODUCTS MEDICAL SUPPLIES, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Rolland, Philippe

Telephone No. +49 30 25901-274



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/080123

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/080123

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

- ☐ the entire international application
- ☒ claims Nos. 70-74,89

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):
- ☒ no international search report has been established for the whole application or for said claims Nos. 70-74,89
- ☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
 - ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).
- ☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☒ See Supplemental Box for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/080123

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>2,9-13,16-38,45-69,75-88,90-97</u>
	No: Claims	<u>1,3-8,14,15,39-44</u>
Inventive step (IS)	Yes: Claims	<u>2,9-13,16-38,45-69,75-88,90-97</u>
	No: Claims	<u>1,3-8,14,15,39-44</u>
Industrial applicability (IA)	Yes: Claims	<u>1-69,75-88,90-97</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2008/080123

Re Item III.

Claims 70-74 and 89 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the novelty, inventive step and industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

The claimed subject-matter relates to a method for treatment of the human or animal body by surgery (see Rule 39.1(iv) PCT).

Re Item V.

1 Reference is made to the following documents:

- D1 : EP 1 920 795 A (JAPAN LIFELINE CO LTD [JP]) 14 May 2008 (2008-05-14)
- D2 : US 2005/101984 A1 (CHANDUSZKO ANDRZEJ J [US] ET AL) 12 May 2005 (2005-05-12) cited in the application
- D3: US 2006/064062 A1 (GURUSAMY RAVISANKAR [US] ET AL) 23 March 2006 (2006-03-23) cited in the application
- D4: US 2003/144657 A1 (BOWE WADE A [US] ET AL) 31 July 2003 (2003-07-31)
- D5: EP-A-0 842 673 (MEDTRONIC INC [US]) 20 May 1998 (1998-05-20)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

"A guidewire configured to perforate the intra-atrial septum (col.3 §7 "medical apparatus"), an end section biased in a curved configuration to define a proximal curve (Fig.§ (2 "first curved portion")), and a distal section biased in a curved configuration to define a distal curve (Fig.1 (4) "second curved portion"), the distal curve being oriented in a direction generally opposite that

of the proximal curve (Fig.1 (2,4))."

3 DEPENDENT CLAIMS 3-8,14,15

Dependent claims 3-8,14,15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (See D1 and relevant cited passages in the International Search Report).

4 DEPENDENT CLAIMS 2, 10-13, 16-30

The combination of the features of dependent claims 2, 10-13, 16-30 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

None of the cited documents disclose nor give any hint as to solve the problems posed by the subject-matters of these dependent claims.

5 INDEPENDENT CLAIM 39

- 5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 39 is not new in the sense of Article 33(2) PCT. Document D2 discloses (the references in parentheses applying to this document):

"A transseptal guidewire (Fig.4A, p.3 §48) configured to perforate the intra-atrial septum having an elongated body (Fig.4A (14) "inner needle"), an end section (Fig.4A (15) "distal end"), and a tapered distal section (Fig.4A (15) "distal end"), with at least a portion of the end section having a first dimension in a first direction transverse to the longitudinal axis of the elongated body (Fig.4A (14)) that is larger than a second dimension in a second direction transverse to the longitudinal axis (Fig.4A (30) "waist", p.3 §48 "narrower")."

6 DEPENDENT CLAIMS 40-44

Dependent claims 40-44 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

7 DEPENDENT CLAIMS 45-67

The combination of the features of dependent claims 45-67 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

None of the cited documents disclose nor give any hint as to solve the problems posed by the subject-matters of these dependent claims.

8 INDEPENDENT CLAIM 31

8.1 Document D2, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

"A system configured to perforate the intra-atrial septum (p.1 §2

"intracardiac transseptal puncture") comprising:

a transseptal access system (Fig.1 (10) "percutaneous device") including a lumen extending from a proximal section to a distal opening (Fig.1 (13) "lumen"), the lumen being reduced in size from a first diameter in the proximal section to a second diameter at the distal opening (p.3 §44 "In certain embodiments [...] tapered toward the inner needle"), the second diameter being smaller than the first diameter; a transseptal guidewire (Fig.1 (14) "inner needle") configured to be inserted into the lumen of the transseptal access system, the transseptal guidewire having a distal section with a longitudinal axis and a perforating tip (Fig.1 (25) "sharp tip"), the perforating tip is advanced distally through the distal opening of the transseptal access system (Figs.1,7)."

From this, the subject-matter of independent claim 31 differs in that:

the perforating tip is laterally offset from the longitudinal axis, wherein the perforating tip of the transseptal guidewire is configured to be offset from the wall of the transseptal access system a distance that is equal to or smaller than the second diameter of the lumen of the transseptal access system,

thereby reducing or avoiding contact between the perforating tip of the transseptal guidewire and the wall.

8.1.1 The subject-matter of claim 31 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as: having a guidewire with a perforating tip which reduces or avoids contact between the perforating tip and the wall of the transseptal access system into which lumen it is inserted.

8.1.2 The solution to this problem proposed in claim 31 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

None of the documents cited in the prior art disclose nor give any hint to have a perforating tip literally offset from the longitudinal axis of the guidewire.

8.1.3 Claims 32-38 are dependent on claim 31 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

9 INDEPENDENT CLAIM 68

9.1 As far as it can be understood, the subject-matter of independent claim 68 corresponds to that of claims 1, 22, 25 and 26 and 39 of which claim 68 is essentially a repetition in terms of functional features.
The objection raised in respect of claim 1 and the remarks made about claims 22, 25 and 26 also apply, mutatis mutandis, to claim 68.

9.2 Claim 69 is dependent on claim 68 and as such also meets the requirements of the PCT with respect to novelty and inventive step.

10 INDEPENDENT CLAIM 75

10.1 As far as it can be understood, the subject-matter of independent claim 75

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2008/080123

corresponds to that of claim 31 of which claim 75 is essentially a repetition in terms of functional features, with the addition of a transition step on the transseptal access system.

The remarks made in respect of claim 31 also apply, mutatis mutandis, to claim 75.

10.2 Claims 76-84 are dependent on claim 75 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

11 INDEPENDENT CLAIM 85

11.1 As far as it can be understood, the subject-matter of independent claim 85 corresponds to that of claims 1 and 75 of which claim 85 is essentially a repetition in terms of functional features.

The remarks made in respect of claims 1 and 75 also apply, mutatis mutandis, to claim 85.

12 INDEPENDENT CLAIM 86

12.1 As far as it can be understood, the subject-matter of independent claim 86 corresponds to that of claim 75 of which claim 86 is essentially a repetition in terms of functional features.

The remarks made in respect of claim 75 also apply, mutatis mutandis, to claim 86.

12.2 Claims 87, 88 are dependent on claim 86 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

13 INDEPENDENT CLAIM 90

13.1 The method described in the subject-matter of claim 90 corresponds to the method of forming a transseptal guidewire as described in the subject-matter of claim 1. Therefore the same passages as cited in §2 hereabove are relevant.

Claim 90 is therefore not new (Art.33(2) PCT), see document D1 Fig.1 as well as col.8 §12 l.39 through col.9 l.9.

14 INDEPENDENT CLAIM 91

14.1 The method described in the subject-matter of claim 91 corresponds to the method of forming a transseptal guidewire as described in the subject-matter of claims 1, 20, 22 and 26. The objections raised in respect of claim 1 and the remarks made about claims 20,22,26 also apply, mutatis mutandis, to the subject-matter of claim 91.

The subject-matter of claim 91 is therefore novel and inventive (Art.33(2) and (3) PCT).

14.2 Claims 92-97 are dependent on claim 91 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII.

1.1 Although claims 1, 31, 39, 68, 75, 85, 86 and 90 and 91 have been drafted as separate in-dependent claims, they appear to relate effectively to the same subject-matter. The set of claims as a whole therefore lacks conciseness. Moreover, lack of clarity arises, since the plurality of independent claims makes it difficult to determine the matter for which protection is sought. Hence, the set of claims does not meet the requirements of Article 6 PCT.

The set of claims should have been drafted to contain **a single** independent claim (per category).

1.2 Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

1.3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2008/080123

disclosed in the documents D2, D4 and D5 is not mentioned in the description, nor are these documents identified therein.

- 1.4 The units of measure employed in claims 10-15, 17-19, 21, 24, 33-35, 42, 46-50, 54, 63-65, 78 and on pages 11, 12, 13, 24, 25, 27, 28 is not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT.
- 1.5 According to the requirements of Rule 11.13(l) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference sign 25a-e (p.10 l.18-28).
- 1.6 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference ARMT-107WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2008/080123	International filing date (<i>day/month/year</i>) 16/10/2008	(Earliest) Priority Date (<i>day/month/year</i>) 19/10/2007
Applicant PRESSURE PRODUCTS MEDICAL SUPPLIES, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 10

- ☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention

b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/080123

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61M25/09

ADD. A61B17/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61M A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	<p>US 2005/101984 A1 (CHANDUSZKO ANDRZEJ J [US] ET AL) 12 May 2005 (2005-05-12) cited in the application page 1, paragraph 2</p> <p>page 1, paragraph 7 - page 2, paragraph 15 page 2, paragraph 44 - page 5, paragraph 60; figures 1-9G</p> <p style="text-align: center;">----- -/--</p>	<p>39-44</p> <p>1, 31, 68, 75, 85, 86, 90, 91</p>

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

14 January 2009

Date of mailing of the international search report

22/01/2009

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Rolland, Philippe

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/080123

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X A,P	EP 1 920 795 A (JAPAN LIFELINE CO LTD [JP]) 14 May 2008 (2008-05-14) column 1, paragraph 1 column 3, line 11, paragraph 7 - column 7, line 39, paragraph 9; figures 1,2 column 8, line 39, paragraph 12 - column 12, line 37, paragraph 22 column 18, line 4, paragraph 32 - column 19, line 9, paragraph 35 -----	1,3-8, 14,15 2,9-13, 16-69, 75-88, 90-97
A	US 2006/064062 A1 (GURUSAMY RAVISANKAR [US] ET AL) 23 March 2006 (2006-03-23) cited in the application page 1, paragraph 2 - page 1, paragraph 4 page 1, paragraph 9 - page 2, paragraph 15 page 3, paragraph 59 - page 5, paragraph 66; figures 1-3 page 7, paragraph 84 - page 8, paragraph 84; figures 14-16 -----	1,15, 31-33, 39,68, 75,85, 86,90,91
A	US 2003/144657 A1 (BOWE WADE A [US] ET AL) 31 July 2003 (2003-07-31) page 1, paragraph 1 page 1, paragraph 9 - page 2, paragraph 21 page 3, paragraph 26 page 4, paragraph 50 - page 4, paragraph 58; figures 1-6 page 5, paragraph 66 - page 5, paragraph 68; figures 10,11 -----	1-38, 75-85
A	EP 0 842 673 A (MEDTRONIC INC [US]) 20 May 1998 (1998-05-20) column 1, line 3 - column 1, line 6 column 2, line 39 - column 3, line 29 column 4, line 54 - column 5, line 49; figures 1-2B -----	1-30

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/080123

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 70-74, 89
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers allsearchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search reportcovers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

In .ional application No
PCT/US2008/080123 -

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2005101984	A1	12-05-2005	NONE	
EP 1920795	A	14-05-2008	JP 2007061181 A WO 2007026555 A1	15-03-2007 08-03-2007
US 2006064062	A1	23-03-2006	NONE	
US 2003144657	A1	31-07-2003	EP 1471965 A1 WO 03063942 A1	03-11-2004 07-08-2003
EP 0842673	A	20-05-1998	DE 69718423 D1 DE 69718423 T2 JP 11000401 A	20-02-2003 06-11-2003 06-01-1999

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	12/152,377	Filing date:	May 14, 2008
-----------------	------------	--------------	--------------

First Named Inventor:	Paul Kurth
-----------------------	------------

Title of the Invention:	TRANSSEPTAL GUIDEWIRE
----------------------------	-----------------------

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EFB/EFB_HELP.HTML](http://www.uspto.gov/efc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT PCT/US2008/080123
application number(s) is/are:**

**The international date of the corresponding
PCT application(s) is/are:** October 16, 2008

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**



Is attached

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**



Is attached.

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/152,377
First Named Inventor:	Paul Kurth

- ☐ WORKSHEET, W-9
Is attached

☒ Has already been filed in the above-identified U.S. application on 10/01/2008 AND 04/03/2009

- ☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 04/03/2009

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	<i>Joshua L. Cohen</i>	Date	November 3, 2010
Name (Print/Typed)	Joshua L. Cohen	Registration Number	38,040



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,377	05/14/2008	Paul Kurth	ARMT-107US	4762
23122	7590	11/04/2010		
RATNERPRESTIA			EXAMINER	
P.O. BOX 980			HENSON, DEVIN B	
VALLEY FORGE, PA 19482				
			ART UNIT	PAPER NUMBER
			3736	
			MAIL DATE	DELIVERY MODE
			11/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
KURTH, PAUL et al	:	DECISION ON REQUEST TO
Application No. 12/152,377	:	PARTICIPATE IN PATENT
Filed: May 14, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. ARMT-107US	:	PROGRAM AND PETITION
For: TRANSSEPTAL GUIDEWIRE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 3, 2010 to make the above-identified application special.

The request and petition are dismissed as moot.

A grantable request to participate in the PCT/PPH pilot program and petition to make special require:

- (1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the corresponding PCT/EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the international work product of the PCT office actions from each of the PCT/EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the ISA/EPO examiner in the PCT/EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition met all conditions except Item #4 above. While the petition was in process for consideration, the examiner has issued an Office action on July 6, 2010 and a response was filed on Nov. 3, 2010. Therefore, the petition cannot be granted.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Devin Hunson at 571-270-5340.

The petition is dismissed as moot.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,392	05/14/2008	Yoshimi Shibata	6818-146-2	4536
86000	7590	07/29/2011	EXAMINER	
Gregory A. Nelson			KIM, YUNSOO	
Novak Druce & Quigg LLP			ART UNIT	
525 Okeechobee Blvd			PAPER NUMBER	
Suite 1500			1644	
West Palm Beach, FL 33401			MAIL DATE	
			DELIVERY MODE	
			07/29/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

Patricia Y. Ho
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

JUN 28 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of: GOUGOUSIS, K. et. al.
Serial No.: 13/152,392
Filed: June 3, 2011
Docket: 5644SIT-1
Title: ONLINE EDUCATIONAL SOFTWARE

:
: DECISION ON PETITION TO
: MAKE SPECIAL FOR NEW
: APPLICATION UNDER 37
: C.F.R. § 1.102 & M.P.E.P. §
: 708.02
:

This is a decision on the renewed petition filed on **July 22, 2011** to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted upon filing of the application on June 03, 2011 was dismissed in the decision mailed on June 22, 2011.

The petition to make the application special is **GRANTED** as the revised Examination Support Document now meets the requirements of conditions II 6.5 and 5.1.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention

defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference. Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above. On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Beatriz Prieto, Quality Assurance Specialist, at (571) 272-3902. A second point of Contact is Kim Huynh at (571)-272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12152456	
Filing Date	14-May-2008	
First Named Inventor	Michael Pupko	
Art Unit	3618	
Examiner Name	JAMES SHRIVER II	
Attorney Docket Number		
Title	DEVICE FOR ADJUSTING SKI BINDING HEIGHT FOR IMPROVED BALANCE	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/James C. Simmons, Reg 28474/
Name	James C. Simmons
Registration Number	28474



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 22, 2011

In re Application of :

Michael Pupko

Application No : 12152456

Filed : 14-May-2008

Attorney Docket No :

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.

4800 IDS CENTER

80 SOUTH 8TH STREET

MINNEAPOLIS MN 55402-2100

MAILED

MAR 11 2011

In re Application of

Giovanni Leo Et al.

Application No. 12/152,473

Filed: May 14, 2008

Attorney Docket No. 4043.09US01

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed December 16, 2010, which is being treated as a petition under 37 CFR 1.59 to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that a document identified as an NPL document of 218 pages, filed November 10, 2010, be expunged from the record.

The petition is deficient because the petition does not clearly identify the document to be expunged. The petition requests expungement of the entire 218 page document. However, it would appear that only a part of that entire document, a non-publication request, is what petitioner desires to expunge. Clarification on the exact papers to be expunged is required.

Further, the petition is deficient because there is no statement that:

- (B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

Telephone inquiries concerning this communication should be directed to the undersigned at .

A handwritten signature in black ink, appearing to read 'Carl Friedman', is written over the printed name.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

SEP 3 0 2010

OFFICE OF PETITIONS

In re Application of
GALEMMO, Robert, Jr. et al.
Application No. 12/152,488
Filed: May 14, 2008
Attorney Docket No. **381092003100**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 03, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NEUROMED PHARMACEUTICALS, LTD.
2389 HEALTH SCIENCES MAIL, UBC
SUITE 301
VANCOUVER BC V6T 1Z4**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,498	05/15/2008	Dinesh Tyagi	95000DPS	5432

7590 11/22/2011
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

CHAPMAN, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

1721

MAIL DATE	DELIVERY MODE
-----------	---------------

11/22/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 21, 2011

EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

Re Application of
TYAGI, DINESH., ET AL.

Application: **12/152498**

Filed: **05/15/2008**

Attorney Docket No: **200972-0001-01 US (437247)**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 16, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,570	05/15/2008	Peter E.A. Teal	0030.02	8067
25295	7590	12/21/2011		
USDA, ARS, OTT 5601 SUNNYSIDE AVE RM 4-1159 BELTSVILLE, MD 20705-5131			EXAMINER LEVY, NEIL S	
			ART UNIT	PAPER NUMBER
			1615	
			MAIL DATE	DELIVERY MODE
			12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 21, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

In re Application of :
Teal, Peter E.A. et al : **DECISION ON PETITION**
Application No. 12/152,570 :
Filed: 05/15/2008 :
Attorney Docket No: 0030.02 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 15, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 27, 2012

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

In re Application of	:	
TEAL, PETER E.A. et al	:	DECISION ON PETITION
Application No. 12/152,570	:	
Filed: 05/15/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 0030.02	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 21, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HIRAM R. PEACOCK
12655 S. LOWE AVE.
CHICAGO IL 60628**

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of

JOHNSON, Colbert et al.

Application No. 12/152,628

Filed: May 15, 2008

Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Hiram Peacock, the sole attorney of record. Hiram Peacock has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Colbert Johnson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **COLBERT JOHNSON
956 OLIVE ROAD #3D
HOMewood IL 60430**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Groover & Associates PLLC
Box 293748
Lewisville TX 75029

MAILED

APR 12 2011

In re Application of
Sai C. Manapragada, et al.
Application No. 12/152,638
Filed: May 14, 2008
Attorney Docket No. **PCGN-14**

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 21, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 22, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 2477 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CISLO & THOMAS LLP
1333 2nd Street, Suite 500
Santa Monica, CA 90401-4110

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of

John Perry

Application No. 12/152,706

Filed: May 15, 2008

Attorney Docket No. 66652/Q54

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cislo & Thomas LLP has been revoked by the assignee of the patent application on November 3, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CHRISTIE, PARKER & HALE LLP**
P.O. Box 7068
Pasadena, CA 91109-7068



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**LUMEN PATENT FIRM
350 CAMBRIDGE AVENUE
SUITE 100
PALO ALTO CA 94306**

MAILED

OCT 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Stephen J. Brown	:	
Application No. 12/152,774	:	DECISION GRANTING
Filed: May 15, 2008	:	PETITION
Attorney Docket No. SJB-109/US	:	

This is a decision on the petition filed July 26, 2010, requesting that the above-identified application be accorded a filing date of May 15, 2008. Currently, the filing date of May 16, 2008 has been assigned. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on May 15, 2008, pursuant to 37 CFR 1.10. Applicants have submitted a copy of Express Mail label No. EV 457009039 US, showing a May 15, 2008 "date-in" postal date entry, along with a USPS receipt stamp dated May 15, 2008. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on May 15, 2008. Accordingly, this application is entitled to a filing date of May 15, 2008, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to May 15, 2008 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 272-7751. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of :
Stephen Lukos :
Application No. 12/152,836 : **ON PETITION**
Filed: May 15, 2008 :
Attorney Docket No. LUKOS/106/US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 8, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed February 16, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on May 17, 2011. The Office mailed a Notice of Abandonment on September 8, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3634 for consideration of the Amendment, filed December 8, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,842	05/16/2008	Dominic Holland	09062-8104.US01	5699
97075	7590	02/27/2012		
Perkins Coie LLP PO Box 1247 Seattle, WA 98111-1247			EXAMINER SONG, HOON K	
			ART UNIT 2882	PAPER NUMBER
			NOTIFICATION DATE 02/27/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 23, 2012

Perkins Coie, LLP
PO Box 1247
Seattle WA 98111-1247

Re Application of
HOLLAND, DOMINIC, Et Al.
Application: **12/152842**
Filed: **05/16/2008**
Attorney Docket No: **09062-8104.US01**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 16, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120322

DATE : March 22, 2012

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 8019030

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/CHIEH M FAN/
Supervisory Patent Examiner.Art Unit 2611



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of
Mario Paetow, et. al.
Application No. 12/152,876
Filed: May 15, 2008
Attorney Docket No. 209,527

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 (no fee) filed September 8, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to file a timely response to the non-final Office action mailed on December 11, 2009. A Notice of Abandonment was mailed August 31, 2010.

Petitioner states that a reply was in fact timely filed on March 26, 2010. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on March 26, 2010 of, *inter alia*, "Amendment, Petition for One-Month Extension of Time, Check No. 24196 for \$130, Information Disclosure Statement w/PTO/SB/8a, Check No. 24195 for \$180." A copy of the previously submitted reply accompanies the petition.

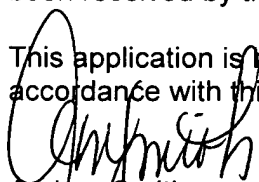
The petition is **GRANTED**.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response was timely received in the USPTO, but misplaced thereafter.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on March 26, 2010.

This application is being referred to Technology Center Art Unit 3635 for further processing in accordance with this decision.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,889	05/16/2008	Masanori Ishihara	08309/LH	6933

1933 7590 12/29/2010
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

FOSSelman, JOEL W

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

12/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
ISHIHARA, MASANORI	:	DECISION ON REQUEST TO
Application No. 12/152,889	:	PARTICIPATE IN PATENT
Filed: May 16, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08309/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 6, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,890	05/16/2008	Keiichi Imamura	08320/LH	6930
1933 7590 03/21/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER YEH, EUENG NAN	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 03/21/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
IMAMURA, KEIICHI	:	DECISION ON REQUEST TO
Application No. 12/152,890	:	PARTICIPATE IN PATENT
Filed: May 16, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08320/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 1, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 18,2011

In re Application of :

Mike Choe

Application No : 12152899

Filed : 16-May-2008

Attorney Docket No : CHMI5001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 18,2011

The request is **APPROVED**.

The request was signed by Rebecca Crandall (registration no. 61568) on behalf of all attorneys/agents associated with Customer Number 029889 . All attorneys/agents associated with Customer Number 029889 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Mike Wansik Choe
Name2
Address 1 265 Westlake Road, Suite 101
Address 2
City Fayetteville
State NC
Postal Code 28314
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12152899	
Filing Date	16-May-2008	
First Named Inventor	Mike Choe	
Art Unit	3732	
Examiner Name	MATTHEW SAUNDERS	
Attorney Docket Number	CHMI5001	
Title	Dental implant drill apparatus and method	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 029889		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Mike Wansik Choe	
Address	265 Westlake Road, Suite 101	
City	Fayetteville	
State	NC	
Postal Code	28314	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Rebecca E Crandall/
Name	Rebecca Crandall
Registration Number	61568

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/07/11

TO SPE OF : ART UNIT 1641

SUBJECT : Request for Certificate of Correction for Appl. No.: 12152906 Patent No.: 7820399

CofC mailroom date: 11/23/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

For more information, please contact the CofC at 571-272-3421

Note: Please check Claims 3, 4, 6, 13, 15, 18 and 20

Should the changes to the claims be approved? Yes, please see below.

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

✓ **Approved**

All changes apply.

Comments: Changes to claims 3, 4, 6, 13, 15, 18 and 20 are
approved.

/Mark Shibuya/

1641

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/14/11
TO SPE OF : ART UNIT 2858
SUBJECT : Request for Certificate of Correction for Appl. No.: 12152951 Patent No.: 7977942

CofC mailroom date: 07/29/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax your response to 671-272-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Formatted: Font color: Black

Formatted: Indent: Left: 1.22"

Formatted: Underline, Font color: Black

Formatted: Font color: Black

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: _____

/Melissa J Koval/ 2858

Deleted: _____

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

**AT & T LEGAL DEPARTMENT - Slusky
ATTN: PATENT DOCKETING
ONE AT & T WAY - ROOM 2A-207
BEDMINSTER NJ 07921**

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Bruce Gilbert CORTEZ et al. : **ON PETITION**
Application No. 12/152,962 :
Filed: May 19, 2008 :
Atty. Docket No.: 2002-0057 CON :

This is a decision on the petition under 37 CFR 1.137(b), filed May 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed February 2, 2011, which set a statutory period of reply of three (3) months. The application became abandoned on May 3, 2011, and a Notice of Abandonment was mailed May 12, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue fee in accordance with the Notice of Abandonment and Fee(s) Due, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management for further processing.

for Ramesh Krishnamurthy
David Bucci
Petitions Examiner
Office of Petitions

cc: Ronald D. Slusky
353 West 56th Street
Suite 5L
New York, NY 10019



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRAD M. BEHAR & ASSOCIATES, PLLC
94 SECOND STREET
MINEOLA, NY 11501

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of
David Damon Franklin
Application No. 12/152,972
Filed: May 20, 2008
Attorney Docket No. 09012-0008

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID DAMON FRANKLIN
89-17 221 STREET
QUEENS VILLAGE, NY 11427



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRAD M. BEHAR & ASSOCIATES, PLLC
94 SECOND STREET
MINEOLA, NY 11501

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
David Damon Franklin
Application No. 12/152,972
Filed: May 20, 2008
Attorney Docket No. 09012-0008

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brad Behar on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

The application was expressly abandoned on June 22, 2011 per applicant's request filed April 13, 2011.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID DAMON FRANKLIN
89-17 221 STREET
QUEENS VILLAGE, NY 11427



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/152,972	05/20/2008	David Damon Franklin	09012-0008

CONFIRMATION NO. 7006

POWER OF ATTORNEY NOTICE



OC000000048392770

Date Mailed: 06/23/2011

93653
Brad M. Behar & Associates, PLLC
94 Second Street
Mineola, NY 11501

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/13/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Juergen Stueber
Application No. 12/153,123
Filed: May 14, 2008
Attorney Docket No. P72500US0

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,144	05/14/2008	Shunya Yamamoto	1975.1131	4487
21171 7590 01/03/2012 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
			EXAMINER COLE, MONIQUE T	
			ART UNIT 1773	PAPER NUMBER
			MAIL DATE 01/03/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

wk

Mailed : 1/3/12
In re Application of
Yamamoto et al.
Serial No. 12/153,144
Filed: May 14, 2008
For: **HYDROGEN GAS DETECTING MEMBRANE**

: DECISION ON
: PETITION
:
:

This is a decision on the PETITION FILED on November 23, 2011. The Examiner issued a non-compliant notice on October 24, 2011. The Examiner determined that the newly amended claims were directed to an invention that was independent or distinct from the invention originally claimed. Applicants have filed an amendment modifying independent claim 1 to reflect what was originally claimed.

Upon entry of the amendment, the restriction requirement is withdrawn.

DECISION

The petition is **DISMISSED**.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,166	05/14/2008	Jun Zhang	38184.00902DIV	4475
38647 7590 04/27/2011 MILBANK, TWEED, HADLEY & MCCLOY LLP INTERNATIONAL SQUARE BUILDING 1850 K STRET, N.W., SUITE 1100 WASHINGTON, DC 20006			EXAMINER BROWN, COURTNEY A	
			ART UNIT 1617	PAPER NUMBER
			MAIL DATE 04/27/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 27 2011

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

MILBANK, TWEED, HADLEY & MCCLOY LLP
 INTERNATIONAL SQUARE BUILDING
 1850 K STRET, N.W., SUITE 1100
 WASHINGTON DC 20006

In re Application of:

Zhang et al.

Serial No.: 12/153,166

Filed: May 14, 2008

Attorney Docket No.: 38184.00902DIV

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed April 15, 2011 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a document containing information subject to a Protective Order submitted to the Patent Office on April 15, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,166	05/14/2008	Jun Zhang	38184.00902DIV	4475
38647 7590 05/26/2011 MILBANK, TWEED, HADLEY & MCCLOY LLP INTERNATIONAL SQUARE BUILDING 1850 K STRET, N.W., SUITE 1100 WASHINGTON, DC 20006			EXAMINER BROWN, COURTNEY A	
			ART UNIT 1617	PAPER NUMBER
			MAIL DATE 05/26/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 26 2011

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
 www.uspto.gov

MILBANK, TWEED, HADLEY & MCCLOY LLP
 INTERNATIONAL SQUARE BUILDING
 1850 K STREET, N.W., SUITE 1100
 WASHINGTON DC 20006

In re Application of:

Zhang et al.

Serial No.: 12/153,166

Filed: May 14, 2008

Attorney Docket No.: 38184.00902DIV

:
 :
 : PETITION DECISION
 :

This is in response to the petition under 37 CFR § 1.59(b), filed April 15, 2011 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a document containing information subject to a Protective Order submitted to the Patent Office on April 15, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,167	05/14/2008	Jun Zhang	38184.00901DIV	4466
38647 7590 05/26/2011 MILBANK, TWEED, HADLEY & MCCLOY LLP INTERNATIONAL SQUARE BUILDING 1850 K STRET, N.W., SUITE 1100 WASHINGTON, DC 20006			EXAMINER BROWN, COURTNEY A	
			ART UNIT 1617	PAPER NUMBER
			MAIL DATE 05/26/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 26 2011

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
 www.uspto.gov

MILBANK, TWEED, HADLEY & MCCLOY LLP
 INTERNATIONAL SQUARE BUILDING
 1850 K STRET, N.W., SUITE 1100
 WASHINGTON DC 20006

In re Application of:

Zhang et al.

Serial No.: 12/153,167

Filed: May 14, 2008

Attorney Docket No.: 38184.00901DIV

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed April 15, 2011 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a document containing information subject to a Protective Order submitted to the Patent Office on April 15, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JAN 05 2012

OFFICE OF PETITIONS

In re Application of :
Qipeng Mei, et al. :
Application No. 12/153,191 :
Filed: May 15, 2008 :
Attorney Docket No. MEIQ3001/JJC/TL :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re application of
Jian-Feng Li et al
Application No. 12/153,192
Filed: May 15, 2008
Attorney Docket No. LIJ13004/EM

:
:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on May 5, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of
Cheng-Kuo Lin, et al.
Application No. 12/153,206
Filed: May 15, 2008
Attorney Docket No.: LINH3031CIP / REF

:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed July 13, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,213	05/15/2008	Ulje Kim	303/033	4615
7590 09/07/2010 LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE SUITE 500 FALLS CHURCH, VA 22042			EXAMINER HJERPE, RICHARD A	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 09/07/2010	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of :
Gilbert Otto Kraemer, et al. :
Application No. 12/153,231 : **DECISION ON PETITION**
Filed: May 15, 2008 :
Attorney Docket No. JTH-839-1990 :

This is a decision on the petition under 37 CFR 1.182, filed November 24, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 3741 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/153,231	05/15/2008	3741	1030	JTH-839-1990	17	2

CONFIRMATION NO. 4866

CORRECTED FILING RECEIPT

30024
NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203



0000000047159885

Date Mailed: 04/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Gilbert Otto Kraemer, Greer, SC;
Ashok Kumar Anand, Niskayuna, NY;
James Anthony West, Simpsonville, SC;
Hasan Ul Karim, Simpsonville, SC;
Sam David Draper, Simpsonville, SC;
Jonathan Dwight Berry, Simpsonville, SC;

Assignment For Published Patent Application

General Electric Company, Schenectady, NY

Power of Attorney: The patent practitioners associated with Customer Number 30024

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 05/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/153,231**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Dry 3-way catalytic reduction of gas turbine NOx

Preliminary Class

060

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 03/23/12

Patent No. : 7918179 B2
Ser. No. : 12/153,299
Inventor(s) : **Pan , et al.**
Issued : **April 5, 2011**
Title : **METHOD FOR APPARATUS FOR A DROP INDICATOR**
Docket No. : **PANS3004/EM**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

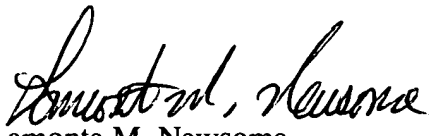
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

LMN



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

DUANE MORRIS LLP
Suite 1000
505 9th Street, N.W.
Washington DC 20004

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of :
Kaperst et al. : DECISION ON PETITION
Application No. 12/153,330 :
Filed: May 16, 2008 :
Atty Docket No. T2475-00001 :

This is a decision on the paper styled "LETTER" filed December 19, 2011, which is properly treated as a no-fee petition to withdraw the holding of abandonment in the above-identified application.

For the reasons stated herein, the petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, petitioner is not precluded from seeking revival of the application pursuant to the provisions of 37 CFR 1.137. However, the filing of such a petition should not be intentionally delayed. An intentional delay in filing of the petition will lead to the dismissal of the petition regardless of the original circumstances that led to the abandonment of the application.

By Notice of Abandonment mailed November 23, 2011, applicant was advised that the above-identified application had become abandoned for failure to timely file an appeal brief.

In response, applicant timely filed the instant petition. Applicant argues that the Notice of Abandonment was premature as the time permissible for response had not yet expired.

Specifically, applicant pointed out that with the filing of an extension of time for response within the fifth month, applicant had until December 18, 2011 to file an appeal brief after having filed a notice of appeal on May 18, 2011.

Applicant is correct to the extent that the notice of abandonment was prematurely mailed and applicant had until December 18, 2011 to file a proper reply with a five-month extension of time.

Unfortunately, applicant did not file an appeal brief or any other proper reply on or before December 18, 2011. Nor is the necessary extension of time for response within the fifth month of record. The undersigned left a telephone message for the attorney of record to verify that no reply (and extension) had been filed. No reply timely filed, this application is properly held abandoned.

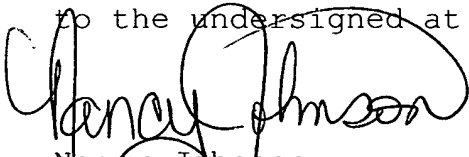
Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

DUANE MORRIS LLP
Suite 1000
505 9th Street, N.W.
Washington DC 20004

MAILED
FEB 16 2012
OFFICE OF PETITIONS

In re Application of :
Kaperst et al. : DECISION ON PETITION
Application No. 12/153,330 :
Filed: May 16, 2008 :
Atty Docket No. T2475-00001 :

This is a decision on the paper styled "PETITION TO REVIVE"
filed January 19, 2012.

For the reasons stated herein, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be
submitted within TWO (2) MONTHS from the mail date of this
decision. Extensions of time under 37 C.F.R. § 1.136(a) are
permitted. The reconsideration request should include a cover
letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

By Notice of Abandonment mailed November 23, 2011, applicant was
advised that the above-identified application had become
abandoned for failure to timely file an appeal brief.

The provisions of 37 C.F.R. § 1.137(b) provide that where the
delay in reply was unintentional, a petition may be filed to
revive an abandoned application or a lapsed patent. A petition
filed pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or
notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the
required reply from the due date for the reply until the
filing of a grantable petition pursuant to this paragraph

was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of a petition for extension of time for response within the fifth month, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). However, the instant petition does not satisfy requirement (1) above.

The required reply for this application that was abandoned for failure to file an appeal brief is either an appeal brief or a request for continued examination (RCE) with submission. Either such reply would have been sufficient to avoid abandonment had the reply been timely filed. Whereas filing of an extension of time (without an accompanying reply) would not have avoided abandonment of this application, such is not a proper reply to revive this application.

Moreover, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1345 extension of time fee submitted with the petition on January 19, 2012 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

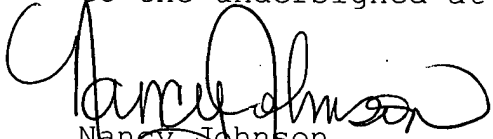
Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written over the printed name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12153357	
Filing Date	16-May-2008	
First Named Inventor	Naoyuki Kobayashi	
Art Unit	2882	
Examiner Name	HUNG NGUYEN	
Attorney Docket Number	126088.08	
Title	EXPOSURE APPARATUS AND METHOD FOR PRODUCING DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Mario A. Costantino/
Name	Mario A. Costantino
Registration Number	33565



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 9, 2011

In re Application of :

Naoyuki Kobayashi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12153357

Filed : 16-May-2008

Attorney Docket No : 126088.08

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2882 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,446	05/16/2008	Achampeta Rathan Prasad	069611-0651	5856
93764 7590 09/27/2010 Kythera Biopharmaceuticals, Inc. c/o Swiss Tanner, P.C. P.O. Box 1749 Los Altos, CA 94023-1749			EXAMINER BADIO, BARBARA P	
			ART UNIT 1628	PAPER NUMBER
			MAIL DATE 09/27/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 27 2010

Kythera Biopharmaceuticals, Inc.
c/o Swiss Tanner, P.C.
P.O. Box 1749
Los Altos CA 94023-1749

In re Application of: :
Prasad et al. :
Serial No.: 12/153,446 : PETITION DECISION
Filed: May 16, 2008 :
Attorney Docket No.: 069611-0651 :

This is in response to the petition under 37 CFR § 1.181, filed August 30, 2010, requesting that the finality of the Office action of July 27, 2010 be withdrawn.

BACKGROUND

The examiner mailed a non-final Office action on April 19, 2010 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-15 were pending. The examiner rejected claim 15 under 35 USC 112, 2nd paragraph, as indefinite. The examiner rejected claims 1-15 under 35 USC 103 (a) as being unpatentable over Dodson, Batist et al. and Katona et al.(Journal of Organic Chemistry) in combination as evidenced by Katona et al.(Journal of Medical Chemistry), Chupp, Junker et al. and Stempel et al.

In reply to the non-final Office action of April 19, 2010, applicants filed a response on July 6, 2010. The response submitted by applicants included arguments traversing the rejections made in the non-final Office action and amendments to the claims.

On July 27, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1-15 were pending. The examiner withdrew the 35 USC 112, 2nd paragraph, rejection but maintained the rejection of claims 1-15 under 35 USC 103 (a) as being unpatentable over Dodson, Batist et al. and Katona et al.(Journal of Organic Chemistry) in combination as evidenced by Katona et al.(Journal of Medical Chemistry), Chupp, Junker et al. and Stempel et al.

On August 20, 2010, applicants filed an amendment after final requesting that finality be removed.

On August 26, 2010, the examiner mailed an Advisory Action stating that finality of the Office action would not be removed.

In response thereto, applicants filed this petition on August 30, 2010, requesting that the finality of the Office action of July 27, 2010 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on August 30, 2010, applicants request that the finality of the Office action of July 27, 2010 be withdrawn. Applicants argue "In the Final Office Action, the Office's reliance upon the two additional references (US Patent Nos. 2,321,598 and 2,615,902) was essential to maintain the rejection as these references were relied upon as allegedly providing the requisite motivation to make synthetic DCA. Recitation of references in the Office Action which are not part of the rejection is inappropriate. Further, motivation to modify the existing art to arrive at the claimed invention is an essential feature of establishing a *prima facie* case of obviousness. Applicant submit that the recitation of the additional references in substantiating the rejection of claims 1-15 made in the Final Office Action was neither necessitated by a claim amendment nor by an Information Disclosure Statement. It was not necessitated by a claim amendment because the Final Office Action did not state so. Further, it was not necessitated by an Information Disclosure Statement because the Information Disclosure Statement that the Applicants filed on April 28, 2010, did not include these two references."

Applicants' arguments are well taken and persuasive since applicants' amendments did not necessitate the new rejection. Furthermore, a review of the rejections shows that the examiner did set forth new references. Consequently, applicants have not been provided a fair opportunity to carefully consider and respond to these new references. Also, as noted by applicants, MPEP § 706.07 recites:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Accordingly, it is decided that Applicants' arguments are well-taken and found persuasive.

DECISION

The petition is **GRANTED**.

The Office action mailed July 27, 2010 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of August 20, 2010 will also be entered. This application will be forwarded to the examiner for consideration of the amendment of August 20, 2010.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/02/2010

Applicant	: David Min-Liang Yang	: DECISION ON REQUEST FOR
Patent Number	: 7651222	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/153,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED

OCT 20 2010

In re Application
Michael Fowler et al.
Application No. 12/153,472
Filed: May 20, 2008
Attorney Docket No. **NIZU3001/EM**

OFFICE OF PETITIONS

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH filed August 23, 2010. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

At the outset, the REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH* was filed using form PTO/SB/131. Petitioner is reminded that form PTO/SB/131 is only to be used to request recalculation of Patent Term Adjustment based upon the fact pattern described in Wyeth and no other issues will be addressed with this type of request. The patent must first issue before any such calculations of the "B" period will occur.

However, as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a

determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,570	05/21/2008	Seiji Takahata	136543	7879
7590 09/08/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER MARC-COLEMAN, MARTHE Y	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 09/08/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VIRGINIA 22313-1450
WWW.USPTO.GOV



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,574	05/21/2008	Yoshikatsu Sawada	137017.10	7900
25944	7590	03/16/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			RAHIM, AZIM	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3784	
			NOTIFICATION DATE	DELIVERY MODE
			03/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
SAWADA, YOSHIKATSU et al	:	DECISION ON REQUEST TO
Application No. 12/153,574	:	PARTICIPATE IN PATENT
Filed: May 21, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 137017.10	:	PROGRAM AND PETITION
For: COMPRESSOR DRIVING TORQUE	:	TO MAKE SPECIAL
ESTIMATING APPARATUS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 14, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-6681 for Class 62/228 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7, 2011

In re Application of :

Takayuki Miyajima

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12153575

Filed : 21-May-2008

Attorney Docket No : 135977

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 7, 2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3663 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12153575	
Filing Date	21-May-2008	
First Named Inventor	Takayuki Miyajima	
Art Unit	3663	
Examiner Name	TUAN TO	
Attorney Docket Number	135977	
Title	NAVIGATION DEVICES, METHODS, AND PROGRAMS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Joel S. Armstrong/
Name	Joel S. Armstrong
Registration Number	36430



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,590	05/21/2008	Takeshi Sasaki	134984/07	7839

EXAMINER	
VU, PHU	

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
08/18/2010	PAPER

7590 08/18/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

3 3 2010 10:00 AM
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VIRGINIA 22313-1450

Docket No.: 4436-0180PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Niels C. S. HANSEN et al.

Application No.: 12/153,624

Confirmation No.: 7732

Filed: May 21, 2008

Art Unit: 2614

For: ACTIVE AUDIO COMPRESSING IN
TELECOMMUNICATION

Examiner: Gerald Gauthier

OK TO ENTER /GG/

REQUEST TO CORRECT OFFICIAL RECORDS

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance and Fee(s) Due contains a typographical error in the first name of the inventor. It is respectfully requested that the inventor's first name be changed from "Neils" to --Niels--.

Please note this is the second request. A request for correction was originally submitted on December 24, 2008.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated:

SEP 24 2010

Respectfully submitted,

By 

D. Richard Anderson

Registration No.: 40439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: HUAN3565/EM

Patent Number: 7665643

Filing Date
(or 371(b) or (f) Date): 2008-05-22

Issue Date: 2010-02-23

First Named
Inventor: Chien-Chuan Huang

Title: STAPLER WITH ENERGY-SAVE MECHANISM

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/

Date 2010-08-20

Name
(Print/Typed) Thomas J. Moore

Registration Number 28974

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 09/08/2010

Applicant	: Chien-Chuan Huang	: DECISION ON REQUEST FOR
Patent Number	: 7665643	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/153,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/22/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **120** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12153641	
Filing Date	22-May-2008	
First Named Inventor	Takahiko Watari	
Art Unit	2624	
Examiner Name	JINGGE WU	
Attorney Docket Number	076376.1420	
Title	IMAGE PROCESSING DEVICE AND STORAGE MEDIUM STORING IMAGE PROCESSING PROGRAM	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Jamie Roy Lynn/
Name	Jamie Roy Lynn
Registration Number	63666



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 24,2011

In re Application of :

Takahiko Watari

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12153641

Filed : 22-May-2008

Attorney Docket No : 076376.1420

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 24,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2624 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,649	05/22/2008	Joao Nuno Sereno de Almeida Moreira	T0676.70000US00	8637

23628 7590 04/18/2012
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

HUFF, SHEELA JITENDRA

ART UNIT	PAPER NUMBER
----------	--------------

1643

MAIL DATE	DELIVERY MODE
-----------	---------------

04/18/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 17, 2012

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

Re Application of
NUNO SERENO DE ALMEIDA MOREIRA, JOAO, ET AL

Application: **12/153649**

Filed: **05/22/2008**

Attorney Docket No: **T0676.70000US00**

: **DECISION ON PETITION**

: **ACCEPTANCE OF COLOR**

: **DRAWINGS**

This is a decision on the Renewed -Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 24, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 15, 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
Chol, Sang-Moo et, al	:	DECISION ON PETITION
Application No.12/153,655	:	
Filed: 05/22/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No.2557-000913/US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 22, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,709	05/22/2008	Yoshikatsu Sawada	12-109	8168
23400 7590 04/19/2011 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER RAHIM, AZIM	
			ART UNIT 3784	PAPER NUMBER
			NOTIFICATION DATE 04/19/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of:
SAWADA, YOSHIKATSU et al
Serial No.: 12/153,709
Filed: May 22, 2008
Docket: 12/109

Title: COMPRESSOR INLET PRESSURE
ESTIMATION APPARATUS FOR
REFRIGERATION CYCLE
SYSTEM

::
::
:
::
DECISION ON REQUEST
TO PARTICIPATE IN
PATENT PROSECUTION
HIGHWAY (PPH) AND
PETITION TO MAKE
SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-6681 for Class 62/238 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,710	05/22/2008	Yoshikatsu Sawada	12-110	8161
<div>23400 7590 03/31/2011</div> <div>POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191</div>				
<div>EXAMINER</div> <div>RAHIM, AZIM</div>				
<div>ART UNIT PAPER NUMBER</div> <div>3784</div>				
<div>NOTIFICATION DATE DELIVERY MODE</div> <div>03/31/2011 ELECTRONIC</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

<i>In re</i> Application of:	::	
SAWADA, YOSHIKATSU et al	::	
Serial No.: 12/153,710	::	DECISION ON REQUEST
Filed: Nov. 23, 2010	::	TO PARTICIPATE IN
Docket: 12/110	::	PATENT PROSECUTION
Title: COMPRESSOR INLET PRESSURE		HIGHWAY (PPH) AND
ESTIMATION APPARATUS FOR		PETITION TO MAKE
REFRIGERATION CYCLE SYSTE		SPECIAL UNDER 37 CFR
		1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, the application is undergoing pre-examination processing. Upon completion, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-6681 for Class 62/129 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re application of :
Solve J. Fjordingstad et al :
Application No. 12/153,716 : **NOTICE**
Filed: May 22, 2008 :
Attorney Docket No. 03438.0116-01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on July 1, 2010.

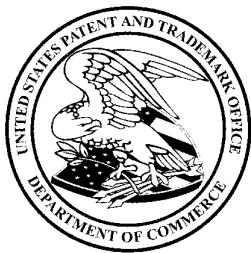
The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 23, 2012

In re Application of :

Shunpei Yamazaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12153721

Filed : 23-May-2008

Attorney Docket No : 0756-8292

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 23, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2812 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12153721	
Filing Date	23-May-2008	
First Named Inventor	Shunpei Yamazaki	
Art Unit	2812	
Examiner Name	YASSER ABDELAZIEZ	
Attorney Docket Number	0756-8292	
Title	METHOD FOR MANUFACTURING PHOTOELECTRIC CONVERSION DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Bae, et al. :
Application No. 12/153,895 : ON PETITION
Filed: May 27, 2008 :
Attorney Docket No. **2033.1019**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 6, 2011.

The petition is **granted**.

This application was held abandoned July 14, 2011, after no reply was received to the non-final Office action mailed April 13, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on July 14, 2011. A Notice of Abandonment was mailed October 25, 2011. The instant petition was filed on December 6, 2011. Petitioner maintains that the notice of April 13, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application

contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center, GAU 2474 for re-mailing the non-final Office action and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,603,194
Issue Date: October 13, 2009
Application No. 12/153,926
Filed: May 28, 2008
Attorney Docket No. USU-12-09

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition, filed August 27, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 11/320,610, filed December 30, 2005, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed May 28, 2008. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.


A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

As authorized, the \$1,410 surcharge fee, as well as the \$100 certificate of correction fee, was charged to petitioner's credit card.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/153,926	05/28/2008	2121	2370	USU-12-09	1	1

CONFIRMATION NO. 1751

CORRECTED FILING RECEIPT



0C000000043435331

24956
MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

Date Mailed: 09/10/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Natsuki Yokoyama, Tokyo, JAPAN;
Yoshifumi Kawamoto, Tsukui-Gun, JAPAN;
Eiichi Murakami, Tokorozawa-shi, JAPAN;
Fumihiko Uchida, Tokyo, JAPAN;
Kenichi Mizuishi, Tokyo, JAPAN;
Yoshio Kawamura, Tokyo, JAPAN;

Assignment For Published Patent Application

RENESAS TECHNOLOGY CORP.

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/320,610 12/30/2005 PAT 7,392,106
which is a CON of 10/713,012 11/17/2003 PAT 7,062,344
which is a CON of 09/611,976 07/06/2000 ABN
which is a DIV of 09/106,147 06/29/1998 PAT 6,099,598
which is a CON of 08/713,192 09/12/1996 PAT 5,820,679
which is a CON of 08/274,308 07/12/1994 ABN

Foreign Applications

JAPAN 5-215489 08/31/1993
JAPAN 5-175114 07/15/1993

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 06/19/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/153,926**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FABRICATION SYSTEM AND FABRICATION METHOD

Preliminary Class

700

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF SALVATORE ARRIGO AND SCOTT LEE LLP
1050 CONNECTICUT AVE NW
10TH FLOOR
WASHINGTON DC 20036

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of
Charneau, et al.
Application No. 12/153,959
Filed: May 28, 2008
Attorney Docket No. DI96-69-C

:
:
:
:
:
:

DECISION ON PETITION

This is a decision on the "PETITION TO WITHDRAW TERMINAL
DISCLAIMER UNDER 37 C.F.R. § 1.182", filed March 23, 2011.

The petition under 37 CFR 1.182 is **GRANTED**.

Receipt of the \$400 petition fee is acknowledged.

The application is being forwarded to Group Art Unit 1648. The
examiner is directed to withdraw the terminal disclaimer over US
application No. 10/313,038 and US Patent No. 6,682,907.

Telephone inquiries concerning this decision may be directed to
the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,985	05/28/2008	Yuji Iwase	137204	1467

25944	7590	06/17/2011
OLIFF & BERRIDGE, PLC		
P.O. BOX 320850		
ALEXANDRIA, VA 22320-4850		

EXAMINER	
TRIGGS, JAMES J	

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
06/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of	:	DECISION ON REQUEST TO
lwase et al.	:	PARTICIPATE IN PATENT
Application No. 12/153,985	:	PROSECUTION HIGHWAY
Filed: May 28, 2008	:	PROGRAM AND PETITION
For: CONTROL APPARATUS	:	TO MAKE SPECIAL UNDER
FOR VEHICULAR DRIVE SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 18, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fail to include:

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

There are no claims in the JPO application (s) corresponding to US claims 2, 3 and 6.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 06/15/11



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,985	05/28/2008	Yuji Iwase	137204	1467
25944	7590	08/31/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER TRIGGS, JAMES J	
			ART UNIT 3618	PAPER NUMBER
			NOTIFICATION DATE 08/31/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of
Iwase et al
Application No. 12/153,985
Filed: May 28, 2008
For: CONTROL APPARATUS FOR
VEHICULAR DRIVE SYSTEM

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non Final Office action was mailed on July 15, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/30/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of
Paul R. Katman et al.
Application No. 12/154,080
Filed: May 19, 2008
Attorney Docket No. 103240-0016U

:
:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:

This is in response to the petition filed January 12, 2009 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on May 19, 2008 with an unsigned declaration. Accordingly, a Notice to File Missing Parts was mailed June 11, 2008 requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing.

In response, an oath or declaration executed only by joint inventor Kateman, a five month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Rosenberger refuses to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Roseberger, he has not returned an executed copy of the oath or declaration and has expressly refused to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee and the extension of time fee have been charged to the credit card provided and have been applied to the finance records.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED

JAN 25 2012

OFFICE OF PETITIONS

In re Application of
Chinn et al.
Application No. 12/154,206
Filed: 05/21/2008
Attorney Docket Number: 4227.77213

ON PETITION

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) on November 20, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner states that "color photographs are the only practical medium for illustrating the claimed invention, as the color photographs show the invention more clearly than can be depicted by India ink drawings and otherwise comply with the rules concerning such drawings."

While petitioner requests approval of color photographs for Figures 8A-8B, 9A-9D, 10A-10D, 15A-15B, 16A-16B, and 17A-17B, it is also noted that the drawings for Figures 1, 4, 5, 6, 7, 11, 12, 13, 14, 16A, and 16B also contain color and are therefore not acceptable. The Office has determined that color drawings for Figures 1, 4, 5, 6, 7, 11, 12, 13, 14, 16A, and 16B are not the only practical medium by which to disclose the subject matter. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2884.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of	:	
Chinn et al.	:	DECISION ON PETITION
Application No. 12/154,206	:	
Filed: 05/21/2008	:	ACCEPTANCE OF
Attorney Docket No. 4227.77213	:	COLOR DRAWINGS

This is a decision on the renewed petition under 37 C.F.R. 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on March 20, 2012.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

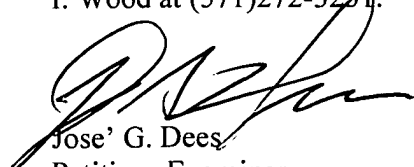
- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

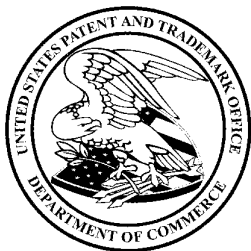
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is **GRANTED**.

The application is referred to the Office of Patent Publications for further processing.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.


Jose G. Dees
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 23, 2011

In re Application of :

Michael Iacobelli

Application No : 12154240

Filed : 21-May-2008

Attorney Docket No :

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12154240	
Filing Date	21-May-2008	
First Named Inventor	Michael Iacobelli	
Art Unit	3723	
Examiner Name	GEORGE NGUYEN	
Attorney Docket Number		
Title	VISE OR CLAMP ATTACHMENT	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Robert L Farris/
Name	Robert L. Farris
Registration Number	25112

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12154280	
Filing Date	20-May-2008	
First Named Inventor	Sammy Brown	
Art Unit	2881	
Examiner Name	NIKITA WELLS	
Attorney Docket Number	SIACP001	
Title	PARTICLE CONTROLLER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		21912 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Sammy Karl Brown	
Address	212 Sleepy Creek Dr.	
City	Athens	
State	GA	
Postal Code	60606	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Jia-Ning Qu/
Name	Jia-Ning Qu
Registration Number	65901



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 6, 2011

In re Application of :

Sammy Brown

Application No : 12154280

Filed : 20-May-2008

Attorney Docket No : SIACP001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 6, 2011

The request is **APPROVED**.

The request was signed by Jia-Ning Qu (registration no. 65901) on behalf of all attorneys/agents associated with Customer Number 21912 . All attorneys/agents associated with Customer Number 21912 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Sammy Karl Brown

Name2

Address 1 212 Sleepy Creek Dr.

Address 2

City Athens

State GA

Postal Code 60606

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

In re Application of

Quinn

Application No. 12/154,285

Filed: May 20, 2008

Attorney Docket No. **Avnera.P007**

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 20, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 21, 2010. A Notice of Abandonment was mailed on February 28, 2011.

The amendment filed December 22, 2011, is noted.

The application is being forwarded to Technology Center 2800, GAU 2816 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

MAILED
JAN 26 2012
OFFICE OF PETITIONS

: DECISION ON PETITION

:



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GIFFORE, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

MAILED

JUN 14 2011

OFFICE OF PETITIONS

Applicants: Shi, et al.
Appl. No.: 12/154,296
Filing Date: May 22, 2008
Title: METHODS FOR SCREENING PBK1 PROTEIN FOR AGENTS THAT TREAT
METABOLIC DISORDERS
Attorney Docket No.: PST-25902/36
Pub. No.: US 2010/0146642 A1
Pub. Date: June 10, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 17, 2010, for the above-identified application.

The request is dismissed.

Applicant request that the application be republished because the patent application publication contains materials error in the drawings.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on September 17, 2010, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

§ 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

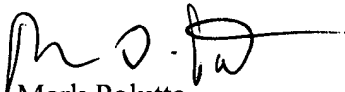
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENNIS B. HAASE
P.O. BOX 6206
HOT SPRINGS AR 71902-6206

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of
Vanhouten et al.
Application No. 12/154,299
Filed: May 23, 2008
Attorney Docket No. 1891.01

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the publication fee, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

MAR 28 2011

In re Application of

LINDQUIST, Sherrill F. et al.

Application No. 12/154,339

Filed: May 22, 2008

Attorney Docket No. **83445**

OFFICE OF PETITIONS

DECISION ON PETITION

TO WITHDRAW

FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason". The signature is fluid and cursive, with the first name "Michelle" being the most prominent part.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ZURLIN TECHNOLOGIES HOLDINGS, LLC**
6928 MCGRADY DRIVE
MELBOURNE, FLORIDA 32940-6649



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of

LINDQUIST, Sherrill F. et al.

Application No. 12/154,339

Filed: May 22, 2008

Attorney Docket No. **83445**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 06, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Paul J. Ditmyer on behalf of all attorneys of record who are associated with customer No. 27875. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Sherrill F. Lindquist at the address indicated below.

There is an outstanding Office action mailed November 19, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SHERILL F. LINDQUIST**
219 WINDSOR WAY
PANAMA CITY BEACH, FL 32413-2858



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AT&T LEGAL DEPARTMENT - KOBA
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

MAILED

APR 17 2012

OFFICE OF PETITIONS

In re Application of	:	
Puthenpura, et al.	:	
Application No. 12/154,352	:	ON PETITION
Filed: May 22, 2008	:	
Attorney Docket No. 2007-0620	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 23, 2012.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed June 13, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on September 14, 2011. The Office mailed a Notice of Abandonment on January 30, 2012.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

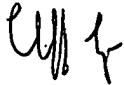
The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Application No. 12/154,352

Page 2

The application is being forwarded to Group Art Unit 2472 for consideration of the Amendment, filed March 23, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

cc: Wendy W. Koba
PO Box 556
Springtown, PA 18081



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAVERSTOCK & OWENS, LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Application of:
James I. Geeslin
Application No. 12/154,364
Filed: May 21, 2008
Attorney Docket No. ECC-02500

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on February 13, 2012.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 8, 2011

KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

Re Application of
KOSMEDER, JERRY W., ET AL.
Application: **12/154472**
Filed: **05/22/2008**
Attorney Docket No: **7668-77744-03**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 22, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK, NY 10112

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Patent No. 8,043,804
Issued: October 25, 2011
Application No. 12/154,503
Filed: May 23, 2008
Attorney Docket No.: 77709/JPW/DGZ

:
:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed October 25, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/154,664	05/23/2008	Frank D. Lee	MCA-1109-02 US	9408
7590 04/27/2011 MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821			EXAMINER CHEU, CHANGHWA J	
			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			04/27/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 26, 2011

MILLIPORE CORPORATION
290 CONCORD ROAD
BILLERICA MA 01821

Re Application of
LEE, FRANK D., ET AL.

Application: **12/154664**

Filed: **05/23/2008**

Attorney Docket No: **MCA-1109-02 US**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 5, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

HONEYWELL/PERKOWSKI
Patent Services
101 Columbla Road
P.O.Box 2245
Morristown NJ 07962

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re. Application of :
Alexander Gelbman : DECISION ON
Application No. 12/154,683 : PETITION
Filed: May 23, 2008 :
Attorney Docket No. H28807 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed December 17, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, November 19, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on February 20, 2008. A courtesy Notice of Abandonment was mailed on April 30, 2008.

In response, applicants filed the instant petition under 37 CFR 1.137(b). The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A

petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition does not satisfy requirement (1) above. The petition includes a proposed reply in the form of a request for continued examination (RCE) and amendment, payment of the petition fee set forth in 37 CFR § 1.17(m), and the required statement of unintentional delay. No terminal disclaimer is required.

The RCE and amendment are not sufficient to meet the required reply requirement of 37 CFR 1.137(b). As stated in MPEP 711.03(c), in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee. Payment of the issue fee and publication fee at the amounts in effect on the date of payment is required to revive the application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Application No. 12/154,683

Page 3

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and a long, sweeping horizontal stroke at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

HONEYWELL/PERKOWSKI
Patent Services
101 Columbla Road
P.O.Box 2245
Morristown NJ 07962

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Alexander Gelbman : DECISION ON
Application No. 12/154,683 : PETITION
Filed: May 23, 2008 :
Attorney Docket No. H28807 :

This is a decision on the RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed March 1, 2011.


The petition is **GRANTED**.

The above-identified application became abandoned effective February 20, 2008, for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, November 19, 2007, of the Notice of Allowance and Fee(s) Due. A courtesy Notice of Abandonment was mailed on April 30, 2008. By decision mailed February 17, 2011, the initial petition to revive was dismissed for failure to submit the required reply. The petition included a proposed reply in the form of a request for continued examination (RCE) and amendment; however, an RCE and amendment are not sufficient to meet the required reply requirement of 37 CFR 1.137(b) in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof. See MPEP 711.03(c). The required reply must include payment of the issue fee or any outstanding balance. Likewise, in an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

On instant renewed petition, applicant paid the issue fee and publication fee required to revive the application. Applicant is reminded that with the issuance of any new Notice of Allowance, after consideration of the RCE, that they must timely reply with filing of the PTOL-85B including a request to reapply the issue fee and publication fee to avoid abandonment.

Technology Center AU 2818 has been advised of this decision. The application is, thereby, forwarded for consideration of the request for continued examination (RCE) (and IDS) filed December 17, 2010.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/154,712	05/28/2008	Mitchell R. Swartz		9642

7590 06/01/2011
Mitchell R. Swartz, ScD, EE, MD
16 Pembroke Road
Weston, MA 02493

EXAMINER

PALABRICA, RICARDO J

ART UNIT	PAPER NUMBER
----------	--------------

3663

MAIL DATE	DELIVERY MODE
-----------	---------------

06/01/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN - 1 2011

Mitchell R. Swartz, ScD, EE, MD
16 Pembroke Road
Weston, MA 02493

In re Application of	:	
Mitchell R. Swartz	:	
Application No. 12/154,712	:	DECISION ON PETITION
Filed: May 28, 2008	:	UNDER 37 CFR §1.181
For: MACHINE FOR PRODUCING FLOW OF	:	
ISOTOPIC FUEL THROUGH A MATERIAL	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed April 18, 2011.

The petition is **DISMISSED**.

Petitioner requests "the Commissioner of Patents...to invoke his supervisory authority to correct a wrongful situation involving continued false statements by Dr. Ricardo Palabrica who in the above-entitled application has already now filed two false, fabricated statements in the most recent Communication, a Notice of Non-Compliant Amendment (37 CFR 1.121)...dated April 4, 2011"

A review of the prosecution record indicates that, contrary to Petitioner's assertion, the Notice of Non-Compliant Amendment (NINA) mailed April 4, 2011 was not issued by Examiner Palabrica. The NINA was signed by William Phillips, a Legal Instruments Examiner (LIE). The LIE found the March 21, 2011 amendment not to be in compliance with 37 CFR 1.121 because a complete listing of all the claims was not present. Additionally, a fee of \$110 was due for an extra independent claim.

Petitioner asserts that he "did include a complete listing of Claims in my Communication to the Office." However, the listing of claims submitted March 21, 2011 only includes amended claims 1-3, 7-9, 11, 13 and newly added claims 21-27 (see attached copy of pages 1-6 of the March 21, 2011 Response). 37 CFR 1.121, in part, sets forth:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, **must include a complete listing of all claims ever presented**, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in

the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered)" (emphasis added).

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

A review of the March 21, 2011 responses also indicates that buried within the REMARKS section on pages numbered 80-84, applicant provided a "clean" listing of claims which does not include any markings as required by 37 CFR 1.121. Since this set of claims does not include the markings are required by 37 CFR 1.121, but the set of claims provided on pages 1-6 of the Response included markings as required by 37 CFR 1.121, the claim listing provided on pages 1-6 was considered by the Office as the claims listing required by 37 CFR 1.121. Furthermore, when more than one set of claims is filed by the applicant on the same day without any indication of one set replacing the other, the Office will select one set of claims for entry. The claims listed on pages 1-6 were selected for entry. Since the claim listing on pages 1-6 did not include claims 4-6, 10, 12 and 14-20, as required by 37 CFR 1.121(c), applicant's response was properly considered non-compliant.

With regards to the requirement for additional fees for independent claim, Petitioner asserts that "there were and are twenty (20) claims, and were and are three (3) independent claims." Petitioner provides a Table 1 showing a listing of claims with their current status. Claims 14-20 are indicated as being cancelled. Petitioner argues that, accordingly, there are only three independent claims (i.e., claims 1, 7 and 21) and twenty total claims (i.e., claims 1-13 and 21-27). However, the claims listing provided on pages 1-6 of the March 21, 2011 did not indicate that claims 14-20 were cancelled.

With regards to the cancellation of claims, 37 CFR 1.121(c)(4) requires that:

- (4) *When claim text shall not be presented; canceling a claim.*
- (i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."
 - (ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

The March 21, 2011 response neither provided instructions to cancel claims 14-20 nor did the listing of claims provided on pages 1-6 identify the status of claims 14-20 as "canceled". Accordingly, it was proper by the LIE to recognize the existence of four independent claims, i.e., claims 1, 7, 14 and 21. Accordingly, the requirement for additional fees for a fourth independent claims was proper.

Petitioner requests (i) "relief from the [sic] Dr. Palabrica's latest false statements", (ii) a recusal of Dr. Palabrica (iii) an internal investigation because of appearance of impropriety. Petitioner's request is denied. Petitioner's allegations are based on the NINA mailed April 18, 2011. However, the NINA was not issued by Examiner Palabrica. Accordingly there has been no misconduct or impropriety by Examiner Palabrica with regards to the April 18, 2011 Office communication.

Summary: The petition is **DISMISSED**.

It is noted that a Notice of Non-Compliant Amendment (NINA) was mailed April 22, 2011, by LIE Katischa R. Wanzer, in response to the April 13, 2011 communication filed by the applicant. A response to the NINA was received May 2, 2011. Accordingly, the application will return to the Supervisory Legal Instruments Examiner for consideration of the May 2, 2011 response.

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.



Katherine Matecki, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5250

KM/tl: 05/17/11
72

Attachment: Pages 1-6 of March 21, 2011 Response



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/154,726	05/27/2008	Michael J. Hundt	02-C-002D (STMI01-00231)	9655
30425 7590 DOCKET CLERK-STMI P.O. BOX 802432 DALLAS, TX 75380			EXAMINER LEE, EDMUND H	
			ART UNIT 1744	PAPER NUMBER
			NOTIFICATION DATE 08/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: 8/26/11
In re application of
Hundt et al.
Serial No. 12/154,726
Filed: May 27, 2008
For: MOLD WITH COMPENSATING BASE

DECISION ON
PETITION

Applicants request under 37 CFR 1.181, that the Examiner's requirement that Figures 4-5 of the application be labeled as "Prior Art" be withdrawn. Applicants have cancelled Figures 4-5 and the specification has been amended to delete references to the canceled figures.

DECISION

The Petition is **GRANTED**.

The Examiner is directed to withdraw the objections to Figures 4-5 and the requirement that such figures be labeled "Prior Art".

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Daniel E. Venglarik
DOCKET CLERK-STMI
P.O. BOX 802432
DALLAS TX 75380

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120313

DATE : March 13, 2012

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 7,719,750

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

None.

SPE: /Ricky L. Mack/

Art Unit 2873



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Application of :
Timothy M. Mazurkiewicz, et al. :
Application No. 12/154,748 : DECISION GRANTING PETITION
Filed: May 27, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SEA00820P01740US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 25, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3728 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GABE CHERIAN
P.O. BOX 1335
SUN VALLEY, ID 83353

MAILED

MAR 23 2011

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Gabe Cherian et al :
Application No. 12/154,753 :
Filed: May 27, 2008 :
Attorney Docket No. :

This is a decision on the petition filed January 5, 2011, which is being treated as a petition under 37 CFR 1.182, to change the order of inventorship.

The petition is **DISMISSED**.

The petition fee for the petition under 37 CFR 1.182 is \$400. This petition can not be treated until the \$400 petition fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed

: March 24, 2011

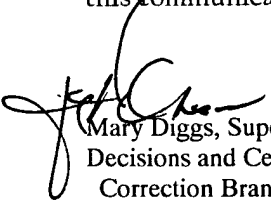
Patent No. : 7677836
Inventor : 12/154762
Patent Issued : March 16, 2010
Title : IN-SITU SURFACTANT AND CHEMICAL OXIDANT FLUSHING FOR COMPLETE
: REMEDIATION OF CONTAMINANTS AND METHODS OF USING SAME

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Review of the application file reveals that correspondence to support entry of reference data, item (56) of Title page as noted in applicants' request for correction is not found in the records of the Patent and Trademark office. Further, as stated in applicants request, documentation as provided does not meet the criteria for the entry of reference citation to the Letters Patent. Accordingly, a signed and dated copy of applicants 1449 or PTO-892 reflecting the requested references considered by the examiner is required for further consideration. If omitted references were submitted by applicant, a copy of the receipt obtained from this office should be included.

In view of the foregoing, applicants request is hereby denied. Any telephone inquiries concerning this communication should be directed to Ms. A. Green at (571) 272-9005.


Mary Diggs, Supervisor
Decisions and Certificates of
Correction Branch

(703) 756-1580 or (571) 272-9005

Douglas J. Sorocco,
Dunlap Coddling, P.C
Oklahoma City, OK 73113

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date

September 23, 2011

Patent No. :8017143
Ser. No. :12154864
Inventor(s) : Kyong-Min SHIN et al.
Issued :Sept. 13, 2011
Title :COATING AGENT FOR DRUG RELEASING STENT, PREPARATION METHOD
:THEREOF AND DRUG RELEASING STENT COATED THEREWITH

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of the date the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571.272.9005.



For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9005

IP&T Group LLP
7700 Little River Turnpike
Suite 207
Annandale, VA 22203

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/154,875	05/28/2008	Tomohide Shindoh	4041J-001456	1550

27572 7590 03/28/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

TRIEU, TIMOTHY

ART UNIT	PAPER NUMBER
----------	--------------

3784

MAIL DATE	DELIVERY MODE
-----------	---------------

03/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:
SHINDOH, TOMOHIDE et al
Serial No.: 12/154,875
Filed: May 28, 2008
Docket: 4041J-001456
Title: AIR CONDITIONING APPARATUS
FOR VEHICLE

::
::
: DECISION ON REQUEST
: TO PARTICIPATE IN
:: PATENT PROSECUTION
HIGHWAY (PPH) AND
PETITION TO MAKE
SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 25, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-6681 for Class 165/42 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**EPSTEIN DRANGEL LLP
60 EAST 42ND STREET
SUITE 2410
NEW YORK NY 10165**

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :
Steven Klosk :
Application No. 12/154,932 : **DECISION ON PETITION**
Filed: May 28, 2008 :
Attorney Docket No. 2396-106 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 13, 2011, as required by the Notice of Allowance and Fee(s) Due mailed April 13, 2011. Accordingly, the date of abandonment of this application is July 14, 2011. A Notice of Abandonment was mailed August 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and the publication fee of \$300.00, (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of
Cohen et al.
Application No. 12/154,962
Filed: May 27, 2008
Attorney Docket No. QQ1 - 0099US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

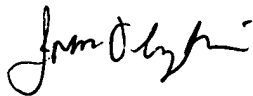
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in black ink, appearing to read 'Joan Olszewski', with a stylized flourish at the end.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Travis Dodd
GAVRILOVICH, DODD & LINDSEY, LLP
2490 Heyneman Hollow
Fallbrook CA 92028

MAILED

NOV 14 2011

In re Application of	:	DECISION ON	PCT LEGAL ADMINISTRATION
Jen-Jr GAU	:		
Application No.: 12/154,971	:		
Filing Date: 28 May 2008	:	PETITION UNDER	
Attorney's Docket No.: GF2101	:		
For: CHIP ASSAY HAVING IMPROVED	:	37 CFR §§1.78(a)(3) &	
EFFICIENCY	:	(a)(6)	

This is in response to applicant's communication "PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED BENEFIT CLAIM UNDER 35 USC 120," filed on 31 August 2011, which is being treated as a petition under 37 CFR §1.78(a)(3) and §1.78(a)(6)" to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with items (2) and (3) but not item (1) under 37 CFR §§1.78(a)(3) and 1.78(a)(6).

Regarding requirement (1), MPEP 201.11, Section C., (Benefit Claims to Multiple Prior Application), states in the relevant part, "The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: 'this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---,' then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A." (**Emphasis added**)

In the present case, intermediate applications 12/154,017, and 09/848,727 do not contain the proper references establishing the relationship to international application PCT/US2001/014257. If petitioner is claiming domestic benefit under 35 U.S.C. 120 to PCT/US2001/014257, the proper relationship will need to be provided in these applications. If, however, petitioner is claiming foreign priority to PCT/US2001/14257, then petitioner will need to file a petition under 37 CFR § 1.55(c) and reference the foreign priority either on the declaration or ADS. Note MPEP §§ 201.11 and 201.14.

In addition, the amendment filed on 31 August 2001, incorrectly identifies the filing date for application 12/154,071 as June 20, 2008.

(2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and

(3) Regarding requirement (3), the statement that "[t]he entire delay between the date the claim was due under paragraph 37 CFR §1.78(a)(2)(ii) and the date that claim was filed was unintentional" is being construed as a statement that "[t]he entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct.

Any inquiries concerning this decision may directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center Art Unit 1759.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

/Bryan Lin/
Bryan Lin
Legal Examiner
PCT Legal Administrative Office



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Travis Dodd
GAVRILOVICH, DODD & LINDSEY, LLP
2490 Heyneman Hollow
Fallbrook CA 92028

MAILED

FEB 01 2012

In re Application of	:	DECISION ON	PCT LEGAL ADMINISTRATION
Jen-Jr GAU	:		
Application No.: 12/154,971	:	RENEWED	
Filing Date: 28 May 2008	:	PETITION UNDER	
Attorney's Docket No.: GF2101	:		
For: CHIP ASSAY HAVING IMPROVED	:	37 CFR §§1.78(a)(3) &	
EFFICIENCY	:	(a)(6)	

This is in response to applicant's communication "RENEWED PETITION UNDER 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6)," filed on 20 December 2011.

In a decision from this Office on 14 November 2011, the petition filed under 37 CFR §§1.78(a)(3) and (a)(6) was dismissed because item (1) was not satisfied.

On 20 December 2011, petitioner filed a renewed petition under 37 CFR §§1.78(a)(3) and (a)(6) to establish the proper relationship to the prior filed applications.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

Petitioner has complied with items (2) and (3) but the renewed petition does not comply with item (1) under 37 CFR §§1.78(a)(3) and 1.78(a)(6).

Regarding requirement (1), a proper reference to the prior-filed applications has not been made on the amendment filed on December 20, 2011 as it references application 12/154,017 filed subsequent to aforementioned application. Although, the initial papers for intermediate application 12/154,017 were filed on 15 May 2008, the specification was not filed until 20 June 2008. As a result, the filing date for application 12/154,017 is 20 June 2008, and the instant application cannot claim benefit to a later filed application.

A proper reference establishing the relationship to the prior-filed applications needs to be submitted, and will need to be provided either as an amendment to the specification in the first sentence(s) following the title or on the application data sheet (ADS) as required by 37 CFR 1.78(a)(2). Note MPEP 201.11

Regarding requirement (2), the surcharge has been already been provided.

Regarding requirement (3), the proper statement has already been provided.

Any inquiries concerning this decision may directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center Art Unit 1759.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



Bryan Lin
Legal Examiner
PCT Legal Administrative Office



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

APR 18 2012

PCT LEGAL ADMINISTRATION

Travis Dodd
GAVRILOVICH, DODD & LINDSEY, LLP
2490 Heyneman Hollow
Fallbrook CA 92028

In re Application of	:	DECISION ON
Jen-Jr GAU	:	
Application No.: 12/154,971	:	
Filing Date: 28 May 2008	:	PETITION UNDER
Attorney's Docket No.: GF2101	:	
For: CHIP ASSAY HAVING IMPROVED	:	37 CFR §§1.78(a)(3) &
EFFICIENCY	:	(a)(6)

This is in response to applicant's communication "RENEWED PETITION UNDER 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6)," filed on 28 February 2012.

In a decision from this Office on 01 February 2012, the petition filed under 37 CFR §§1.78(a)(3) and (a)(6) was dismissed because item (1) was not satisfied.

On 28 February 2012, petitioner filed a renewed petition under 37 CFR §§1.78(a)(3) and (a)(6) to establish the proper relationship to the prior filed applications.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and

- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Petitioner has now complied with items (1) - (3) under 37 CFR §§1.78(a)(3) and 1.78(a)(6).

Regarding requirement (1), a proper reference to the prior-filed applications has been included in the amendment filed on 28 February 2012 to the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

Regarding item (2), the proper surcharge has been provided.

Regarding requirement (3), the proper statement has been provided.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

CONCLUSION

For the reasons above, the petition under 37 CFR §§1.78(a)(3) and (a)(6) is **GRANTED**.

Any questions concerning this matter may be directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application will be forwarded to Technology Center Art Unit 1759 for consideration by the examiner of applicants' entitlement to claim benefit to the prior-filed applications.



Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



Bryan Lin
Legal Examiner
PCT Legal Administrative Office



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of
Cohen et al.
Application No. 12/154,973
Filed: May 27, 2008
Attorney Docket No. QQ1-0100US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

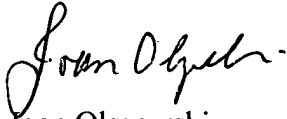
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed November 24, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLIMA LAW OFFICES, P.L.L.C.
A PROFESSIONAL LIMITED LIABILITY COMPANY
Patent, Trademark & Copyright Law
25 WINSOME LANE
FREDERICKSBURG VA 22406

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of :
Leslie A. Ollinger :
Application No. 12/155,011 : **DECISION ON PETITION**
Filed: March 28, 2008 :
Attorney Docket No. 259-107P-WLK :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 17, 2010. Accordingly, the date of abandonment of this application is February 18, 2010. The Notice of Abandonment was mailed March 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**TERRY M. GERNSTEIN
1015 SALT MEADOW LANE
MCLEAN VA 22101**

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Alex Rutstein :
Application No. 12/155,027 : **ON PETITION**
Filed: May 29, 2008 :
Title: Apparatus And Method For Treating :
Process Fluid :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1776 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL R. MARTIN
730 GLACIER WAY
FAIRFIELD CA 94534

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Patent No. 7,730,992	:	
Issue Date: June 08, 2010	:	
Application No. 12/155,028	:	DECISION ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. PRM/UPR 105	:	

This is a decision on the petition under 37 CFR 1.182, filed, June 28, 2011, to obtain duplicate Letters Patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 or Kimberly Terrell at (703) 756-1568 in the Office of Data Management.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person (Fax No. (571) 270-9764)
Kimberly Terrell (Fax No. (571) 270-9958)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 28 2011

OFFICE OF PETITIONS

BINGHAM MCCUTCHEN LLP
2020 K STREET, N.W.
INTELLECTUAL PROPERTY DEPARTMENT
WASHINGTON, DC 20006

In re Application of	:	
Rran Fine et al	:	
Application No. 12/155,090	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. ORE-012	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

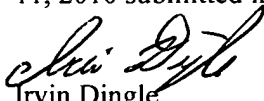
The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 13, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405 the submission required by 37 CFR 1.114; (2) the petition fee of \$810 and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$555 extension of time submitted with the petition on February 22, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 2814 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed November 11, 2010 submitted in accordance with 37 CFR 1.114.


Irvin Dingle
Petition Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THEODORE J. BIELEN JR.
BIELEN, LAMPE, & THOEMING
1390 WILLOW PASS ROAD
SUITE 1020
CONCORD, CA 94520

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of
John Redding
Application No. 12/155,144
Filed: May 30, 2008
Attorney Docket No.: 15445

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed August 1, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed October 6, 2010. A Notice of Abandonment was subsequently mailed on June 15, 2011. On August 1, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3633 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,183	05/30/2008	Olivier ROY	90500D-000131/US/01	2761
30593 7590 09/23/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER CHAWAN, VIJAY B	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 09/23/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 22, 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of :
Olivier Roy et al. : **DECISION ON PETITION**
Application No. 12155183 :
Filed: 05/30/2008 :
Attorney Docket No. 90500D-000131/US/01 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 30, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 29, 2011

HARNESS, DICKY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
Olivier Roy et al.	:	DECISION ON PETITION
Application No. 12155183	:	
Filed: 05/30/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 90500D-000131/US/01	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 18, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 7, 2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Re Application of
KIM, SUNG-SU, Et. Al
Application No: **12/155315**
Filed: **02/18/2005**
Attorney Docket No: **1907.1230**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 2, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,315	06/02/2008	Sung-su Kim	1907.1230	2980
7590 04/07/2011 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER YODER III, CHRISS S	
			ART UNIT	PAPER NUMBER
			2622	
			MAIL DATE	DELIVERY MODE
			04/07/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Kenichiro Yamada, et al. :
Application No. 12/155,329 : DECISION GRANTING PETITION
Filed: June 2, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MJS-5137-7 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 20, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/15/11

TO SPE OF : ART UNIT 2455

SUBJECT : Request for Certificate of Correction for Appl. No.: 12155430 Patent No.: 7877479

CofC mailroom date: 03/03/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Director's/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

XApproved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Emmanuel L Moise/ 2455

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GEORGE A. ROLSTON
45 SHEPPARD AVE EAST
SUITE 900
TORONTO ON M2N5W-9 CA CANADA**

**MAILED
JAN 18 2011
OFFICE OF PETITIONS**

In re Application of :
Mario M. Marocco :
Application No. 12/155,463 : **DECISION ON PETITION**
Filed: June 4, 2008 :
Attorney Docket No. 1296V103 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed June 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2008. The Notice of Abandonment was February 26, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

APR 16 2012

OFFICE OF PETITIONS

In re Application of :
Myeong et al. :
Application No. 12/155,552 : **DECISION ON PETITION**
Filed: June 5, 2008 :
Attorney Docket No. 1907.1249 :

This is a decision on the petition, filed March 1, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed April 12, 2011, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 19, 2012.

Petitioner asserts that the non-final Office action dated April 12, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

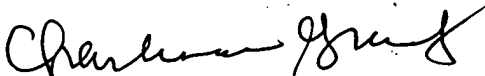
See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3664 for re-mailing the non-final Office action of April 12, 2011. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of :
James A. ROZZI et al. : **ON PETITION**
Application No. 12/155,606 :
Filed: June 6, 2008 :
Atty. Docket No.: 82238297 :

This is in response to the petition under 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due, mailed May 20, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned August 23, 2011. A Notice of Abandonment was mailed September 7, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of issue and publication fees in accordance with the Notice mailed May 20, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Application No. 12/155,606

The application will be referred to Office of Data Management for further processing.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,662	06/06/2008	Satoru Muramatsu	01-1725	5338
23400 7590 06/15/2011 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER COBANOGU, DILEK B	
			ART UNIT 3626	PAPER NUMBER
			NOTIFICATION DATE 06/15/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 14 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re application of:	:	DECISION ON REQUEST TO
MURAMATSU, Satoru, et al.	:	PARTICIPATE IN PATENT
Application No.: 12/155,662	:	PROSECUTION HIGHWAY
Filed: June 6, 2008	:	PROGRAM AND PETITION
For: INFORMATION PROCESSING	:	TO MAKE SPECIAL UNDER
APPARATUS FOR MOVABLE BODY	:	37 C.F.R. 1.102(d)
AND VEHICLE NAVIGATION APPARATUS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. § 1.102(d), filed March 11, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:


- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S. application has already begun. Note the U.S. Office action mailed May 3, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/6/13/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Lu et al.	:	
Application No. 12/155,690	:	ON PETITION
Filed: June 9, 2008	:	
Attorney Docket No. LUSH3014/EM	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 15, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). The itemization must include the following information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency, etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payment of \$629.00 and therefore petitioner's deposit account has been charged the \$130.00 processing fee as set forth in 37 CFR 1.17(i).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN A. RICHARDSON
122 SUMMIT HALL ROAD
GAITHERSBURG MD 20877

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of :
Fulbrook et al. :
Application No. 12/155,692 : **DECISION ON PETITION**
Filed: June 9, 2008 :
Attorney Docket No. 0081 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, May 18, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on August 19, 2010. A Notice of Abandonment was mailed December 17, 2010.

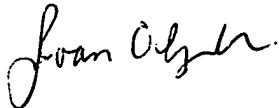
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630,1631 (Comm'r Pats. 1988). Since the \$65.00, one-month extension of time fee submitted with the petition on January 14, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner via treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3728 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with a large initial "J" and a stylized "O".

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 30 2011

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of Nagase et al.	:	
Application No. 12/155,887	:	Decision Granting Petition
Filing Date: June 11, 2008	:	Under 37 CFR 1.55(c)
Attorney Docket No. 1190-07698US1	:	

This is a decision on the petition under 37 CFR 1.55(c) filed June 3, 2011, which requests acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to Japanese Application No. 2007-167591 filed June 26, 2007.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) The claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) The surcharge as set forth in 37 CFR 1.17(t);
- (4) A statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) The above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed June 11, 2008, which is after November 29, 2000 and is within 12 months of June 26, 2007 (the filing date of the foreign application to which benefit is now being claimed). An application data sheet setting forth the priority claim was filed with the petition. The required petition fee of \$1,410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 2628 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/155,887	06/11/2008	2628	1030	1190-0769PUS1	15	3

CONFIRMATION NO. 7407

CORRECTED FILING RECEIPT



0000000048490922

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 06/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Akihiro Nagase, Tokyo, JAPAN;
Jun Someya, Tokyo, JAPAN;
Yoshiteru Suzuki, Tokyo, JAPAN;
Akira Okumura, Tokyo, JAPAN;

Assignment For Published Patent Application

Mitsubishi Electric Corporation

Power of Attorney: The patent practitioners associated with Customer Number 02292

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

JAPAN 2007-167591 06/26/2007

If Required, Foreign Filing License Granted: 07/02/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/155,887**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Image display apparatus, image processing apparatus, and image display method

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS VA 20112

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Wu S. Te :
Application No. 12/155,895 : **DECISION ON PETITION**
Filed: June 11, 2008 :
Attorney Docket No. 4615-0043 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

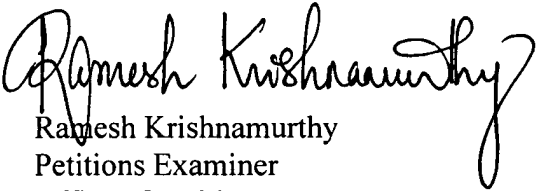
The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 03, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 04, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of July 03, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Patent Application Processing.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 22, 2012

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
BEN-SHALOM, NOAH et al	:	DECISION ON PETITION
Application No. 12/155,916	:	
Filed: 06/11/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 85189-16400	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 28, 2008..

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DTW Apr-12

X-PATENTS, APC
5670 LA JOLLA BLVD.
LA JOLLA CA 92037

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of :
Taylor et al. :
Application No. 12/156,027 : ON PETITION
Filed: 05/09/2008 :
Attorney Docket No. PEN-1 :

This is a decision in reference to the petition to withdraw the holding of abandonment filed on March 15, 2012.

The petition is **DISMISSED**.

This application became abandoned on January 27, 2012, for failure to submit a timely response to the Notice of Allowance and Fee(s) Due mailed on October 26, 2011, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 8, 2012.

Petitioners assert that a timely reply in the form of an request for continued examination (RCE) and an information disclosure statement (IDS) as the required reply were submitted by facsimile on January 26, 2012. In support, petitioners have submitted a copy of the RCE and IDS asserted to have been filed on January 27, 2012, along with a copy of the PTO-2038 credit card form (card number redacted). The RCE contains a certificate of transmission dated January 26, 2012, signed by petitioner's registered patent practitioner, Jonathan Hangartner. A copy of the sending unit's facsimile report as well as the USPTO Auto-Reply Facsimile Transmission receipt page, showing receipt of 4 pages, including the transmittal form, on January 26, 2012, has also been supplied.

37 CFR 1.8(b) states, in pertinent part, that:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the

U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice... the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and;

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

The petition lacks item (2). The RCE fee, which is required by law, has not been supplied with the petition. Petitioner avers that the RCE fee was not charged to counsel's credit card, but has not provided payment of the fee with the subject petition or a deposit account authorization to permit the Office to charge the fee.

In the absence of the required fee, a complete reply has not been filed. The petition is therefore dismissed without prejudice to reconsideration pending submission of the fee required by § 1.17(e).

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**¹

¹ 37 CFR 1.181(f).


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MISSION/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Nabil G. Mistkawi et al :
Application No. 12/156,060 : DECISION GRANTING PETITION
Filed: May 28, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 42P23224D :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 20, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 1, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1713 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 2340

SERIAL NUMBER 12/156,112	FILING or 371(c) DATE 05/29/2008 RULE	CLASS 381	GROUP ART UNIT 2818	ATTORNEY DOCKET NO. 2007P06453US	
APPLICANTS Thomas Kasztelan, Berlin, GERMANY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** GERMANY 10 2007 025 080.2 05/30/2007 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 06/17/2008					
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and /KIMBERLY M THOMAS/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 1	TOTAL CLAIMS 10	INDEPENDENT CLAIMS 3
ADDRESS SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830 UNITED STATES					
TITLE Hearing aid component holder with battery cavity					
FILING FEE RECEIVED 1030	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Margaret Anderson
106 E. 6th Street, Suite 900
Austin, TX 78701

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et. al.
Application No. 12/156,121
Filed: May 28, 2008
Attorney Docket No. QQ1-0108US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 27, 2011.

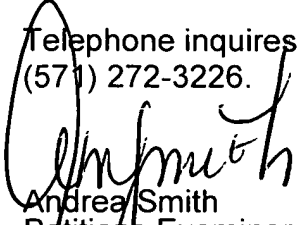
The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked on January 31, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the above-listed address of record until otherwise notified by applicant.

There is an outstanding Office action mailed November 16, 2010, that requires a reply from the applicant. Therefore, this application file is being referred to Technology Center 3600 to await a response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of	:
Cheng Liu	:
Application Number: 12/156,123	: DECISION ON PETITIONS
Filing or 371(c) Date: 05/29/2008	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: 1361.065US1	:

This is a decision on the petition, filed on April 7, 2011, styled under 37 CFR 1.78(a)(3) which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c), and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 365(c), 120, and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the international application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c), and 119(e) is accepted as being unintentionally delayed.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120, 365(c), and 1.78(a)(1) and (a)(2) and under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1654 for consideration by the examiner of the claim under 35 U.S.C. §§ 120, 365(c), and 119(e) of the prior-filed international and provisional applications.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/156,123	05/29/2008	1654	3290	1361.065US1	35	3

CONFIRMATION NO. 2037

CORRECTED FILING RECEIPT

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402



Date Mailed: 08/26/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Cheng Liu, Carlsbad, CA;

Assignment For Published Patent Application

The Scripps Research institute, La Jolla, CA

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US2006/045788 11/26/2006
which claims benefit of 60/740,575 11/29/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/156,123**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inhibiting tumor cell invasion, metastasis and angiogenesis

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,123	05/29/2008	Cheng Liu	1361.065US1	2037
21186 7590 09/19/2011 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER RUSSEL, JEFFREY E	
			ART UNIT 1654	PAPER NUMBER
			NOTIFICATION DATE 09/19/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

21186

In re Application of: Cheng Liu

Serial Number: 12/156,123

Filed: May 29, 2008

Attorney Docket: 1361.065US1

For: Inhibiting Tumor Cell Invasion, Metasis and
Angiogenesis

:
:
:
:

DECISION ON PETITION

This is in response to applicant's petition to accept color drawings/photographs filed on April 7, 2011.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J. Tsang/

Cecilia J. Tsang

Supervisory Patent Examiner, Art nit 1654



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,132	05/29/2008	Stefano Corazza	S07-254/US	2200
30869	7590	05/02/2011		
LUMEN PATENT FIRM 350 Cambridge Avenue Suite 100 PALO ALTO, CA 94306			EXAMINER BHARADWAJ, KALPANA	
			ART UNIT 2122	PAPER NUMBER
			NOTIFICATION DATE 05/02/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@lumen.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUMEN PATENT FIRM
350 Cambridge Avenue
Suite 100
PALO ALTO CA 94306

In re Application of:
CORAZZA, Stefano et al.
Application No. 12/156,132
Filed: May 29, 2008
For: **AUTOMATIC GENERATION OF
HUMAN MODELS FOR MOTION
CAPTURE, BIOMECHANICS AND
ANIMATION**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.84(a)(2)
TO ACCEPT COLOR
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on October 1, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-5. The amendment filed October 1, 2009 to the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Keely Schneiter
399 North Main
Suite 300
Logan, UT 84321

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of
Devin K. Thomas
Application No. 12/156,220
Filed: May 29, 2008
Attorney Docket No. 1019.U01

ON PETITION

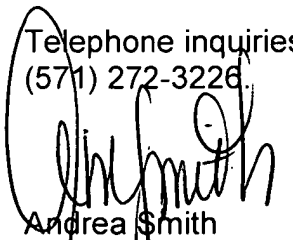
This is a decision on the petition under 37 CFR 1.137(b), filed July 23, 2010, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed on June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3633 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INNOVATION COUNSEL LLP
21771 STEVENS CREEK BLVD.
STE. 200A
CUPERTINO CA 95014

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Application of :
Dong-Gyu Kim :
Application No. 12/156,231 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
For: DISPLAY APPARATUS AND :
METHOD FOR ASSEMBLING THE SAME :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



12288689 UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of	:
DREVET, Jean-Baptiste	:
Application No. 12/156,249	: DECISION ON PETITIONS
Filed: May 30, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. AMS05-001	: AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed March 2, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/FR206/002596, filed November 28, 2006 and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment and declaration, respectively.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the requirements being met, the petition to accept an unintentionally delayed claim for priority under 35 U.S.C. §§ 120 and 365(c) is **GRANTED**.

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All of the requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 119(a)-(d) to the prior-filed foreign application is **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C. 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred Technology Center Art Unit 3746 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120, 365(c) and 35 U.S.C. § 119(a)-(d) to the prior-filed applications.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/156,249	05/30/2008	3746	515	AMS05-001	14	1

CONFIRMATION NO. 2787

CORRECTED FILING RECEIPT



OC000000047089786

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

Date Mailed: 04/12/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jean-Baptiste Drevet, Paris, FRANCE;

Assignment For Published Patent Application

S.A.M. AMSTAR

Power of Attorney:

Stephen Ackerman--37761

Rosemary Pike--39332

Larry Prescott--39335

Billy Knowles--42752

Domestic Priority data as claimed by applicant

This application is a CON of PCT/FR06/02596 11/28/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

FRANCE FR20050012182 11/30/2005

If Required, Foreign Filing License Granted: 06/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/156,249**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Diaphragm circulator

Preliminary Class

417

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN H. LYNN
#517
5319 UNIVERSITY DRIVE
IRVINE, CA 92612

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of
Robert E. Stewart, et al.
Application No. 12/156,274
Filed: May 30, 2008
Attorney Docket No.: 000905-199

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed May 26, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed February 17, 2011. On May 26, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on June 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110322

DATE : April 29, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7893286

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

APR 09 2012

In re Application of
Michael R. Moore et al.
Application No. 12/156,321
Filed: May 30, 2008
Attorney Docket No. **PA4266US**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 26, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RENNER KENNER GREIVE BOBAK
TAYLOR & WEBER
FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON OH 44308-1412

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of

Baughner

Application No. 12/156,405

Filed: May 30, 2008

Attorney Docket No. **RCB.P.2**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed November 22, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$755.00 and publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April 15, 2010. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on July 16, 2010. A Notice of Abandonment was mailed on July 30, 2010.

The issue fee and publication fee were received on November 22, 2010.

Form PTOL-85B, filed November 22, 2010, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Waleed Y. Jassim
1715 Lynwood Dr.
Champaign IL 61821

MAILED

DEC 12 2011

In re Application of

Jassim

OFFICE OF PETITIONS

Application No. 12/156,498

DECISION ON PETITION

Filed: June 2, 2008

Attorney Docket No.

This is responsive to the "Reinstate My Application to Patent from the Abandonment" filed November 22, 2011, which will be treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

The petition is **dismissed**.

This application was held abandoned June 29, 2011, after no reply was received to the non-final Office action mailed March 28, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on June 29, 2011. A Notice of Abandonment was mailed October 19, 2011. The instant petition was filed on November 22, 2011. Petitioner maintains that the notice of March 28, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not made the evidentiary showing specified above. Petitioner has not made the required statements as indicated above and has not provided a copy of the master docket for the three month period for reply set forth by the Notice of March 28, 2011. If a master docket does not exist, petitioner is required to state this in the renewed petition and provide any other corroborative evidence that petitioner may have to substantiate the claim that the Notice was not received. **If petitioner is a pro se applicant, petitioner may provide a copy of the file petitioner maintains containing the papers received from, and filed with, the USPTO and a copy of any calendar or journal petitioner may keep concerning the communications with the USPTO relative to the application.** The renewed petition must be accompanied by the aforementioned documents. No petition fee is required.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$930.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Waleed Y. Jassim
1715 Lynwood Dr.
Champaign IL 61821

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of

Jassim

Application No. 12/156,498

Filed: June 2, 2008

Attorney Docket No.

DECISION ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 19, 2012.

The petition is **granted**.

This application was held abandoned on June 29, 2011, after no reply was received to the non-final Office action mailed March 28, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on June 29, 2011. A Notice of Abandonment was mailed October 19, 2011. The instant petition was filed on March 19, 2012. Petitioner maintains that the notice of March 28, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner

In re Application No. 12/156,498

where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center GAU 3653 for further processing that will include re-mailing the non-final Office action and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12156498	
Filing Date	02-Jun-2008	
First Named Inventor	Waleed Jassim	
Art Unit	3653	
Examiner Name	STEFANOS KARMIS	
Attorney Docket Number	Jassim 21158-1	
Title	Fines separator and trap	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55364		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Waleed Jassim	
Address	1715 Lynwood Drive	
City	Champaign	
State	IL	
Postal Code	61821	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Alan R. Singleton/
Name	Alan R. Singleton
Registration Number	54452



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 10, 2012

In re Application of :

Waleed Jassim

Application No : 12156498

Filed : 02-Jun-2008

Attorney Docket No : Jassim 21158-1

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 10, 2012

The request is **APPROVED**.

The request was signed by Alan R. Singleton (registration no. 54452) on behalf of all attorneys/agents associated with Customer Number 55364 . All attorneys/agents associated with Customer Number 55364 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Waleed Jassim

Name2

Address 1 1715 Lynwood Drive

Address 2

City Champaign

State IL

Postal Code 61821

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

01444
BROWDY AND NEIMARK, P.L.L.C.
1625 K Street, NW
Suite 1100
Washington DC 20006

MAILED

MAR 23 2011

In re Application of :
GROIS, Dan :
Application No.: 12/156,585 :
Filing Date: June 4, 2008 :
Attorney Docket No.: GROIS=1 :
For: METHOD FOR ASSIGNING ONE OR :
MORE CATEGORIZED SCORES TO :
EACH DOCUMENT OVER A DATA :
NETWORK :

PCT LEGAL ADMINISTRATION

DECISION

This decision is in response to applicant's "Petition for Changing Status of Filed Related Patent Applications and Request for Corrected Filing Receipt" filed on July 31, 2008. This is treated as a request to convert the above-captioned application to a national stage filing under 35 U.S.C. 371.

The petition to convert is **DISMISSED** without prejudice.

A review of the subject application shows that it was filed using a transmittal letter (Form PTO/SB/05) on June 4, 2008. Section 1893.03(a) of the MPEP specifically indicates that an application filed with a Form PTO/SB/05 transmittal letter has a conflicting instruction.¹ Nonetheless, applicants request to convert the above-captioned application to a national stage filing under 35 U.S.C. 371 will be considered. The \$400.00 petition fee has been paid.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where **no** other remedy is available.

In the present case, applicant has not made such a showing.

Applicant may request reconsideration within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

¹ MPEP § 1893.03(a) states: "if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) . . ."

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a).

A handwritten signature in cursive script that reads "James Thomson".

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

01444
BROWDY AND NEIMARK, P.L.L.C.
1625 K Street, NW
Suite 1100
Washington DC 20006

MAILED

JUL 22 2011

PCT LEGAL ADMINISTRATION

In re Application of
GROIS, Dan
Application No.: 12/156,585
Filing Date: June 4, 2008
Attorney Docket No.: GROIS=1
For: METHOD FOR ASSIGNING ONE OR
MORE CATEGORIZED SCORES TO
EACH DOCUMENT OVER A DATA
NETWORK

DECISION

This decision is in response to applicant's "Renewed Petition for Changing Status of Filed Related Patent Applications and Request for Corrected Filing Receipt" filed on May 23, 2011.

BACKGROUND

On June 4, 2008, applicant filed papers in the USPTO which were treated as a filing under 35 U.S.C. 111(a).

On July 31, 2008, applicant filed a petition to convert the above-captioned application to be a filing under 35 U.S.C. 371, as the national stage application of PCT/IL2006/001427.

On March 23, 2011, a decision dismissing applicant's petition to convert was mailed. Applicant was given two months to respond with extensions available under 37 CFR 1.136(a).

On May 23, 2011, applicant filed a renewed petition to convert the application to a filing under 35 U.S.C. 371.

DISCUSSION

In the renewed petition, applicant argues

(1) Applicant mistakenly used the transmittal form for filing an application under 35 U.S.C. 111(a); however, the MPEP states that the applicant is only advised to use the Form PTO-1390. As such, this mistake was not fatal to applicant's claim.

(2) Applicant filed an Application Data Sheet (ADS) with the initial submission indicating the subject application was a national stage filing. Applicant contends that the rules (37 CFR 1.76) provide that the information on the ADS governs when there is a conflict with other documents.

(3) The Office should have resolved the error in favor of the *pro se* applicant;

(4) The standard for the granting of a petition to convert outlined in the prior decision is too harsh.

(5) The original intent clearly was not to file a 35 U.S.C. 111 (a) application. There were conflicting instructions present upon initial filing. As such, the request for relief is not a conversion, but a correction of Office records;

(6) No comparable remedy is available. Applicant states that the only remedy is to request that the present application be converted to a continuation of the international application; however, that is not a comparable remedy as it may require the filing of a petition under 37 CFR 1.78(a)(3) and the payment of a significant fee. Further, the application will be subject to U.S. restriction practice.

These arguments will be discussed, in turn.

(1) Transmittal Form (PTO-1390) is Not Required

Counsel states that applicant mistakenly used the transmittal form for filing an application under 35 U.S.C. 111(a) upon initial filing. Nonetheless, this mistake was not fatal to applicant's claim as the MPEP states that the applicant is only advised to use the Form PTO-1390.

Applicant is correct. As noted in MPEP § 1893.03(a), applicant is advised, but not required to use the transmittal PTO-1390 form to identify their application as a submission under 35 U.S.C. 371.

However, the notice at 1077 O.G. 13 (14 April 1987) clearly states that the application will be processed under 35 U.S.C. 111(a), if there are any conflicting instructions in the initial submission. MPEP § 1893.03(a) elaborates and specifically states that if applicant includes a "Utility Patent Application Transmittal" (Form PTO/SB/05) in the initial submission (which occurred here), that is considered a

conflicting instruction. Therefore, the use of the transmittal (Form PTO/SB/05) was fatal to applicant's desire to file a national stage application.

(2) ADS Governs When Conflicting Information Present

Applicant argues that 37 CFR 1.76 "overrides other documentation" and controls what type of application is filed. That is not the case.

37 CFR 1.76(d) discusses inconsistencies between information that is supplied by both an ADS and other documents such as an amendment to the specification, an oath or declaration under 37 CFR 1.63 or 37 CFR 1.67. See MPEP § 601.05.

Regardless, 1077 O.G. 13 determines whether an application will be processed under 35 U.S.C. 111(a), or 35 U.S.C. 371. If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). Accordingly, the Office had no other option but to process the application under 35 U.S.C. 111(a).

(3) Error Should Be Resolved in Favor of *Pro Se* Applicant

Counsel claims that the matter should have been resolved in favor of the *pro se* applicant cites the language in MPEP § 707.07(j).

MPEP § 707.07(j)(I) discusses the examination of an application by a *pro se* applicant. This section is not applicable in determining the type of application filed. The O.G. notice clearly states that the Office must process any application containing a conflicting instruction under 35 U.S.C. 111(a), no matter who filed.

(4) Standard to Convert is too Harsh

Applicant claims that the standard used by the Office to convert an application is too harsh. The reason that standard was adopted is that there are no specific provision to convert under U.S. law or the rules as written. In addition, there are considerable costs associated with converting an application.

The Office has determined that this action will only be allowed upon a showing by applicant of the loss of patent rights where no other remedy is available.

(5) Action Not a Conversion, but a Correction of Office Records

Applicant states that there were conflicting instructions present upon initial filing. As such, the request for relief is not a conversion, but a correction of Office records

This argument has been considered, and dismissed. As previously indicated, the notice at 1077 O.G. 13 indicates that any conflicting instruction present results in the application being processed under 35 U.S.C. 111(a). The Office processed the application under 35 U.S.C. 111(a). As such, no correction of records is required.

(6) No Comparable Remedy Exists

Applicant contends that the only other remedy is to request that the present application be converted to a continuation of the international application. But this is not comparable as it may require the filing of a petition under 37 CFR 1.78(a)(3) and the payment of a significant fee. Moreover, a continuation application will be subject to U.S. restriction practice, while a national stage will be subject to the unity of invention practice, which most practitioners consider to be more desirable.

The fact that applicant may have to pay additional fees is not a sufficient justification to grant applicant's petition to convert. However, if applicant does not want the above-captioned application to be subject to U.S. restriction practice, applicant has another remedy available.

Applicant could enter the national stage of PCT/IL2006/001427 by filing a national stage application along with a petition under 37 CFR 1.137(b) and the appropriate petition fee. The filing date of the national stage will then be the same as the international application. See MPEP § 1893.03(b).

CONCLUSION

For the reasons discussed above, applicant's renewed petition to convert is hereby **DISMISSED** without prejudice.

If applicant requests reconsideration of this decision, a response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a).


James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12156589	
Filing Date	04-Jun-2008	
First Named Inventor	Dan Grois	
Art Unit	2162	
Examiner Name	ALEX GOFMAN	
Attorney Docket Number	GROIS=2	
Title	Method for enabling a user to vote for a document stored within a database	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		01444
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 99267		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Ronni S. Jillions/	
Name	Ronni S. Jillions	
Registration Number	31979	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 8, 2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Dan Grois

ATTORNEY/AGENT OF RECORD

Application No : 12156589

Filed : 04-Jun-2008

Attorney Docket No : GROIS=2

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8, 2011

The request is **APPROVED**

The request was signed by Ronni S. Jillions (registration no. 31979) on behalf of all attorneys/agents associated with Customer Number 01444 . All attorneys/agents associated with Customer Number 01444 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 99267 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIAN C TRASK
3601 EAST HERMES DRIVE
SALT LAKE CITY UT 84124

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re
Harold E. Ayliffe
Application No. 12/156,605
Filed: June 3, 2008
Patent No. 7,579,823
Issued: August 25, 2009

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed November 17, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$985 for the issue fee is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROHM AND HAAS ELECTRONIC MATERIALS
CMP HOLDINGS, INC.
451 BELLEVUE ROAD
NEWARK DE 19713**

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of :
Mary Jo Kulp :
Application No. 12/156,685 : **DECISION ON PETITION**
Filed: June 4, 2008 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 03040U1D1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 23, 2010 and August 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with items (1) and (3) above.

With regards to item (1), petitioner has not included a reference to the requested prior-filed nonprovisional application in an amendment to the first sentence of the specification following the title on a separate sheet, or an Application Data Sheet as provided by 37 CFR 1.78(a)(5)(iii).

With regards to item (3), petitioner has failed to submit a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Further, petitioner contends that, "As noted in MPEP 201.11, where Applicant included a noncompliant priority claim and the priority claim did not delay publication, no petition fee is due." "Furthermore, Applicant's error of including an inaccurate serial number,

appears equivalent to a priority claim with an inaccurate filing date that the USPTO provides as a specific example for a no fee petition.”

However, benefit claims under 35 U.S.C. 120, 121, and 365(c) must identify the prior application by application number, or by international application number and international filing date, and indicate the relationship between the applications. See 37 CFR 1.78(a)(2)(i). Any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. Such benefit claim may not be recognized by the Office and may not be included on the filing receipt even if the claim appears in the first sentence(s) of the specification or an application data sheet.

Accordingly, before a petition under 36 CFR 1.78(a)(3) can be granted, a renewed petition, along with an amendment to the specification on a separate sheet or an ADS, must be submitted.

Further, petitioner's deposit account has been charged the required surcharge fee of \$1,410.00 as authorized on July 23, 2010.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROHM AND HAAS ELECTRONIC MATERIALS
CMP HOLDINGS, INC.
451 BELLEVUE ROAD
NEWARK DE 19713**

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Mary Jo Kulp
Application No. 12/156,685
Filed: June 4, 2008
Attorney Docket No. 03040U1D1

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has

been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 1765 for appropriate action on the amendment filed October 12, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/156,685	06/04/2008	1765	1030	03040U1D1	8	2

CONFIRMATION NO. 4242

CORRECTED FILING RECEIPT



OC000000044622743

61611

ROHM AND HAAS ELECTRONIC MATERIALS
CMP HOLDINGS, INC.
451 BELLEVUE ROAD
NEWARK, DE 19713

Date Mailed: 11/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mary Jo Kulp, Newark, DE;

Power of Attorney:

Blake Biederman--34124

Edwin OH--45319

Domestic Priority data as claimed by applicant

This application is a DIV of 11/036,285 01/13/2005 PAT 7,414,080
which is a CIP of 10/772,054 02/03/2004 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 06/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/156,685**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polyurethane polishing pad

Preliminary Class

521

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

JAN 24 2011

In re Application of
Coco et al.

Application No. 12/156,690

Filed: June 3, 2008

Attorney Docket No. 209.693

:
:
:
:
:

OFFICE OF PETITIONS

DECISION GRANTING

PETITION UNDER 37 CFR 1.181

This is a decision on the petition, filed December 21, 2010, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance and Notice of Allowability of August 6, 2010, which set a three (3) month statutory period for reply. Accordingly, a reply was due on or before November 6, 2010.

Petitioner states that a timely reply was mailed via Express Mail on November 5, 2010, which included the following papers: the issue fee transmittal and check for \$1055.00.

37 CFR 1.10 (e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

To be grantable, such a petition must:

- (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
- (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing

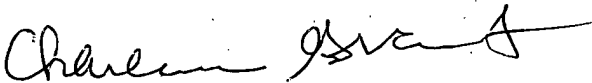
pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

Petitioner has established that an express mail package was mailed. Further a review of the USPS tracking system reveals that express mail label EB908959708BUS was delivered on November 8, 2010. However, the correspondence submitted has not been located.

Pursuant to petitioner's request deposit account no. 01-0035 will be charged the \$755 issue fee and the \$300 publication fee.

This application is being referred to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU, HI 96821

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Leo David Didomenico	:	
Application No. 12/156,699	:	DECISION ON PETITION
Filed: June 3, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. LEODDD-P019	:	

This is a decision on the petition, filed January 21, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 4, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 9, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred back to the Office of Data Management for further processing into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/156,699	06/03/2008	Leo David DiDomenico	LEODDD- 019

CONFIRMATION NO. 4919

NONPUBLICATION RESCISSION LETTER



Date Mailed: 02/28/2011

26793
LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU, HI 96821

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/09/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Harrihar A. Pershadsingh	:	
Application No. 12/156,739	:	DECISION ON PETITION
Filed: June 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 421842000405	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 2, 2010, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

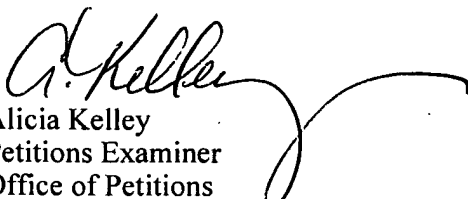
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The instant petition includes an affidavit declaration stating applicant's health is such that he or she may not be available to assist in the prosecution of this application if it were to run its normal course. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1628 for action on the merits commensurate with this decision


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 11 2011

OFFICE OF PETITIONS

**LAW OFFICE OF KENT M. WALKER
A PROFESSIONAL CORPORATION
402 W. BROADWAY, SUITE 400
SAN DIEGO, CA 92101**

In re Application of	:	
Waite et al.	:	
Application No. 12/156,799	:	ON PETITION
Filed: June 4, 2008	:	
Attorney Docket No. 3600-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 25, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 26, 2009. A Notice of Abandonment was mailed December 31, 2009.

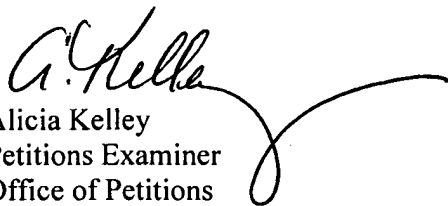
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$405 and the submission required by 37 CFR 1.114, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on November 12, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 3765 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'A. Kelley', with a long, sweeping horizontal stroke extending to the right.

Alicia Kelley
Petitions Examiner
Office of Petitions

PATENT

First Named Inventor: Shankar Regunathan
Application No.: 12/156,864
Filed: June 3, 2008
Customer No.: 26119

Attorney Docket No.: 3382-80108-01
Group Art Unit: 2621
Examiner: BANKS HAROLD, MARSHA DENISE
Confirmation Number: 5081

Title: Adaptive quantization for enhancement layer video coding

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request for Participation in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 29, 2010

By: /James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 29, 2010
Date

/Eric Matt/
Eric Matt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

SEP 07 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
REGUNATHAN, SHANKAR et al.	:	DECISION ON REQUEST TO
Application No. 12/156,864	:	PARTICIPATE IN PATENT
Filed: June 03, 2008	:	PROSECUTION HIGHWAY
Att. Docket No. 3382-80108-01/322695PPH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 27, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE PATEL LAW FIRM, P.C.
2532 DUPONT DRIVE
IRVINE CA 92612

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :

Jeffrey A. Simonian :

Application No. 12/156,921 :

Filed: June 05, 2008 :

Attorney Docket No. **I010-4010** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 04, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Natu Patel, the sole attorney of record. Natu Patel has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Jeffrey Simonian at the address indicated below. There is an outstanding Office action mailed April 28, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JEFFREY ALAN SIMONIAN**
P.O. BOX 1814
HUNTINGTON BEACH CA 92605



Day : Wednesday
Date: 12/1/2010
Time: 23:19:00

Inventor Name Search Result

Your Search was:

Last Name = MAW

First Name = BRIAN

Application#	Patent#	PG Pub#	Status	Date Filed	Title	Examiner Name	Inventor Name
11398887	Not Issued	20070055630	71	04/05/2006	System and method for secured account numbers in proximity devices	CRANFORD,MICHAEL	MAW, BRIAN
11904471	Not Issued	20090083159	30	09/26/2007	FORM FACTOR IDENTIFICATION	BASIT,ABDUL	MAW, BRIAN
12082210	Not Issued	20090259578	30	04/09/2008	Customer exclusive data	MILEF,ELDA	MAW, BRIAN
12150861	Not Issued	20090276344	41	04/30/2008	Field 55 parser	OBEID,MAMON	MAW, BRIAN
12156923	Not Issued	20090307075	30	06/05/2008	Field 55 data relationships	FIELDS,BENJAMIN	MAW, BRIAN
12472028	Not Issued	20090294526	30	05/26/2009	TESTING CAPABILITY ALLOWING NEW DATA TAGS	KELLY,RAFFERTY	MAW, BRIAN

60714635	Not Issued		159	09/06/2005	System and method using ghost account number		MAW, BRIAN
61056297	Not Issued		159	05/27/2008	TESTING CAPABILITY ALLOWING NEW DATA TAGS		MAW, BRIAN
12352420	Not Issued	20100176193	41	01/12/2009	OPT IN SYSTEM AND METHOD	SHARIFZADA,ALI	MAW, BRIAN JEFFREY
12352440	Not Issued	20100179891	30	01/12/2009	NON-FINANCIAL TRANSACTIONS IN A FINANCIAL TRANSACTION NETWORK	ALMATRAHI,FARIS	MAW, BRIAN JEFFREY
06549454	Not Issued		161	11/07/1983	TOYS OR MODELS	NOT,DEFINED	MAWDSLEY, BRIAN
06594111	Not Issued		161	03/28/1984	TOYS OR MODELS	HAROIAN,HARRY	MAWDSLEY, BRIAN
07728076	Not Issued		164	07/10/1991	TOY BOXES	SIMONE,DOMINIC	MAWSDLEY, BRIAN

Inventor Search Completed: No Records to Display.

Search Another: Inventor **Last Name** **First Name**

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | Home page

http://expoweb1:8002/cgi-bin/expo/InvInfo/invquery.pl?FAM_NAM=MAW&GIV_NAM=BRIAN

12/1/2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP/VISA
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

MAILED

MAY 06 2011

OFFICE OF PETITIONS

In re Application of Maw and Hammad :
Application No. 12/156,923 :
Filing Date: June 5, 2008 :
Attorney Docket No. 16222U-077500US :

Decision on Request and
Decision on Petition

This is a decision on the request filed March 16, 2011, under 37 C.F.R. § 1.48(a) to add an inventor. This is also a decision on the petition filed March 16, 2011, which is being treated as a petition under 37 C.F.R. § 1.183.

The petition under 37 C.F.R. § 1.183 is **granted**.

The request under 37 C.F.R. § 1.48(a) is **granted**.

The declaration filed June 5, 2008, identified Brian Maw as the sole inventor. The instant request under 37 C.F.R. § 1.48(a) seeks to add Ayman Hammad as an inventor. The request is accompanied by:

1. A statement from Hammad that the error in inventorship occurred without deceptive intent on his part,
2. The written consent of the assignee to the change in inventorship, and
3. The processing fee set forth in 37 C.F.R. § 1.17(i).

The request is not accompanied by an oath or declaration executed by the actual inventors.

The Petition Under 37 C.F.R. § 1.183

The title of the petition states the petition is being filed under 37 C.F.R. § 1.47(a).

M.P.E.P. § 201.03(II)(B) states,

[W]here D is to be added as an inventor (where inventors A, B, and C have previously executed the application under 37 CFR 1.63) and it is original inventor A who refuses to cooperate, the statement under 37 CFR 1.48(a)(2) is only required to be signed by inventor D. Originally named inventor A is merely required to reexecute an oath or declaration in compliance with 37 CFR 1.63. Petitions under 37 CFR 1.47 are only

applicable to an original oath or declaration and are not applicable to the reexecution of another oath or declaration by A. In such circumstances, a petition under 37 CFR 1.183 should be considered.

Since a declaration signed by Maw was filed June 5, 2008, the provisions of 37 C.F.R. § 1.47(a) are inapplicable in this case.

In view of all the facts and circumstances in this case, the Office has chosen to treat the petition as a petition under 37 C.F.R. § 1.183 requesting waiver of 37 C.F.R. § 1.48(a)(3) and waiver of 37 C.F.R. §§ 1.64 and 1.67 to the extent they require a supplemental declaration to be executed by all the named inventors.

The showing of record is sufficient to establish justice would be served by waiving the requirement for the originally listed inventor's signature the supplemental declaration filed March 15, 2011. Therefore, the requirement for the Maw's signature on the supplemental declaration is hereby waived.

The petition was filed with a payment of \$130 for the petition fee. However, the fee for a petition under 37 C.F.R. § 1.183 is \$400. Therefore, \$270 has been charged to Deposit Account No. 20-1430 pursuant to the general fee authorization in the petition.

The Request Under 37 C.F.R. § 1.48(a)

A request under 37 C.F.R. § 1.48(a) requires:

- (1) A statement from each person being added as an inventor, and from each person being deleted, as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) An oath or declaration by the actual inventor or inventors;
- (3) The processing fee set forth in 37 C.F.R. § 1.17(i); and
- (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

As a result of the waiver of the need for Maw's signature on the declaration filed March 15, 2011, the requirements set forth above have been satisfied. Therefore, the request under 37 C.F.R. § 1.48(a) is granted and the supplemental declaration filed March 15, 2011, has been accepted and placed in the file.

Ayman Hammad has been added as an inventor. A corrected filing receipt identifying the inventors of record (Maw and Hammad) is enclosed.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decisions and will prepare the application for issuance as a patent in due course..

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/156,923	06/05/2008	3684	1654	16222U-077500US	20	3

CONFIRMATION NO. 5948

CORRECTED FILING RECEIPT



OC000000047507884

66945

KILPATRICK TOWNSEND & STOCKTON LLP/VISA
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

Date Mailed: 05/05/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Brian Maw, Belmont, CA;
Ayman Hammad, Pleasanton, CA;

Assignment For Published Patent Application

Visa U.S.A. Inc.

Power of Attorney: The patent practitioners associated with Customer Number 66945

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 06/20/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/156,923**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FIELD 55 DATA RELATIONSHIPS

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/12/11

TO SPE OF : ART UNIT: 3684 Attn: DUNHAM JASON B (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/156923 Patent No.: 7962390

CofC mailroom date: 08/25/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Note: Please check Claim 4 (renumbered 5)
Should the change be made or not**

**Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

**PLEASE REFER TO THE ATTACHED COMMUNICATION FOR INFORMATION
REGARDING THIS CORRECTION.**

/Jason Dunham/ 9/17/11

3684

SPE

Art Unit



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/156,923	05 June 2008	MAW ET AL.	16222U-077500US

KILPATRICK TOWNSEND & STOCKTON LLP/VISA
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

EXAMINER

BENJAMIN S. FIELDS

ART UNIT	PAPER
3684	20110914

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PER THE APPLICANT'S FILING OF A COCIN DATED 25 August 2011, THE EXAMINER HAS ISSUED DOCUMENTATION IN ORDER TO CORRECT THE ERROR NOTED WITHIN THE PATENT WHICH ISSUED AS NO. 7,962,390. THE ERROR IS NOTED AT CLAIM 5, LINE 4 WHERE THE TERM "timeout parameters" OCCURS TWICE. PLEASE DELETE ONE OF THE TERMS.

THANKS,

BENJAMIN S. FIELDS
AU 3684

/Jason B Dunham/
Supervisory Patent Examiner, Art Unit 3684

/BENJAMIN S FIELDS/
Examiner, Art Unit 3684



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BERGMAN & SONG, LLP
P.O. Box 400198
Cambridge, MA 02140

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of
G. Alan Thompson
Application No. 12/156,942
Filed: June 4, 2008
Attorney Docket No. S2000-0007-P003

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael Bergman on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor G. Alan Thompson at the address indicated below.

There is an outstanding Office action mailed July 28, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **G. Alan Thompson**
3 Woodburn Drive
Gloucester, ON K1B-3A6
Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/156,942	06/04/2008	G. Alan Thompson	S2000-0007-P003

CONFIRMATION NO. 5088

64884
BERGMAN & SONG, LLP
P.O. BOX 400198
CAMBRIDGE, MA 02140

POWER OF ATTORNEY NOTICE



OC000000045182417

Date Mailed: 12/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/03/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark Levy
HINMAN, HOWARD & KATTELL, LLP
80 Exchange Street
P.O. Box 5250
BINGHAMTON NY 13901

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of :
Spolar :
Application No. 12/156,974 : ON PETITION
Filed: June 6, 2008 :

Attorney Docket No. **SPOLAR-103**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 23, 2012.

The petition is **dismissed**.

This application was held abandoned August 16, 2011, after no reply was received to the Notice of Non-Compliant Amendment mailed July 15, 2011. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on August 16, 2011. A Notice of Abandonment was mailed February 15, 2012. The instant petition was filed on February 23, 2012. Petitioner maintains that the Office action mailed July 15, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the **master docket for the firm**. That is, if a three month period for reply was set in the nonreceived Office

action, a copy of the master docket report showing **all replies** docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state** and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's master docket record for the firm. If a master docket does not exist, the renewed petition should indicate such and be accompanied by adequate evidence to support petitioner's contention that the Notice of Non-Compliant Amendment was not received.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,860.00 for a large entity and \$930.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MERCHANT & GOULD, PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of
Shintaro Takenaka
Application No. 12/156,978
Filed: June 6, 2008
Attorney Docket No. 13425.0084US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 15, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should not that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SHINYO INDUSTRIES CO., LTD
4-3-44, MATSHUHAMA-CHO, FUKUYAMA-SHI
HIROSHIMA 720-0802, JAPAN



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MERCHANT & GOULD, PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of
Shintaro Takenaka
Application No. 12/156,978
Filed: June 6, 2008
Attorney Docket No. 13425.0084US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 14, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should not that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SHINYO INDUSTRIES CO., LTD
2-20-24, KAWAGUCHI-CHO, FUKUYAMA-SHI
HIROSHIMA 720-0802, JAPAN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,021	06/05/2008	Rajwant Singh Sidhu	60500/D600	6084

23363 7590 03/20/2012
CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale, CA 91209-9001

EXAMINER

NGUYEN, DONGHAI D

ART UNIT	PAPER NUMBER
----------	--------------

3729

MAIL DATE	DELIVERY MODE
-----------	---------------

03/20/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 20, 2012

CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale CA 91209-9001

Re Application of
SIDHU, RAJWANT SINGH
Application: **12/157021**
Filed: **06/05/2008**
Attorney Docket No: **60500/D600**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the -Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 5, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DLA PIPER LLP US
1999 Avenue of the Stars
Suite 400
LOS ANGELES CA 90067

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of
Hayata
Application No. 12/157,025
Filed: June 6, 2008
Attorney Docket No. 22134-85A 4072

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions
CC: WILLIAM ANDROLIA
Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP
865 S. Figueroa Street
10th Floor
Los Angeles, CA 90017



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 6544

SERIAL NUMBER 12/157,025	FILING OR 371(c) DATE 06/06/2008 RULE	CLASS 359	GROUP ART UNIT 2873	ATTORNEY DOCKET NO. 22134-85A 4072
APPLICANTS Shigeru Hayata, Tachikawa-shi, JAPAN;				
** CONTINUING DATA *****				
** FOREIGN APPLICATIONS ***** JAPAN 2007-152641 06/08/2007				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 11/10/2008				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY JAPAN	SHEETS DRAWING 9	TOTAL CLAIMS 12
INDEPENDENT CLAIMS 4				
ADDRESS 3713				
TITLE IMAGING DEVICE AND METHOD FOR A BONDING APPARATUS				
FILING FEE RECEIVED 1120	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,073	06/06/2008	Menno Van Lookeren Campagne	GNE-0250 US (24126 142)	5660
7590 05/05/2011 Arnold & Porter LLP (24126) Attn: SV Docketing Dept. 1801 Page Mill Road Suite 110 Palo Alto, CA 94304			EXAMINER HUYNH, PHUONG N	
			ART UNIT 1644	PAPER NUMBER
			NOTIFICATION DATE 05/05/2011	DELIVERY MODE ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 3, 2011

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1801 Page Mill Road
Suite 110
Palo Alto CA 94304

Re Application of
CAMPAGNE, MENNO VAN LOOKEREN : **DECISION ON PETITION**
Application: **12/157073** : **ACCEPTANCE OF COLOR**
Filed: **06/06/2008** : **DRAWINGS**
Attorney Docket No: **GNE-0250 US** :

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 6, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF DOUGLAS L. TSCHIDA
93 LITTLE CANADA ROAD WEST
SUITE 202
ST. PAUL MN 55117

MAILED

MAR 30 2011

In re Application of
Glen Brazier
Application No. 12/157,078
Filed: June 6, 2008
Attorney Docket No: 208039

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed March 7, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 7, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned March 9, 2010. Accordingly, a Notice of Abandonment was mailed June 30, 2010.

This matter is being referred to Technology Center 3617 for appropriate action on the amendment filed March 7, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,108	06/06/2008	Peter Harris	0024324-006US	6239

22904	7590	02/03/2011
LOCKE LORD BISSELL & LIDDELL LLP		
600 TRAVIS SUITE 2800		
HOUSTON, TX 77002-3095		

EXAMINER	
DESTA, ELIAS	

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
02/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

hoip@lockelord.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 1, 2011

LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

In re Application of :
Harris, Peter et,el : **DECISION ON PETITION**
Application No. 12/157,108 :
Filed: 06/06/2008 :
Attorney Docket No. 0024324-006US :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 06, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,108	06/06/2008	Peter Harris	0024324-006US	6239

7590 02/16/2011
LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON, TX 77002-3095

EXAMINER
DESTA, ELIAS

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
02/16/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 14, 2011

LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

re Application of
HARRIS, PETER, ET AL.

Application No: 12/157108

Filed: 06/06/2008

AttorneyDocket No: 0024324-006US

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 8, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,141	06/06/2008	Thomas F. Mitts	126595.01301	5987
21269	7590	03/07/2012		
PEPPER HAMILTON LLP ONE MELLON CENTER, 50TH FLOOR 500 GRANT STREET PITTSBURGH, PA 15219			EXAMINER BUNNER, BRIDGET E	
			ART UNIT 1647	PAPER NUMBER
			MAIL DATE 03/07/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 7, 2012

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of	:	
Thomas F. Mitts et al.	:	DECISION ON PETITION
Application No. 12157141	:	
Filed: 6/6/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 126595.01301	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 6, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VIJAYSEKHAR JAYARAMAN
270 CORONADO DRIVE
GOLETA CA 93117

MAILED

DEC 30 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Vijaysekhar Jayaraman et al.
Application No. 12/157,142
Filed: June 6, 2008
Title of Invention: Multi-Wavelength Light
Source for Spectroscopy

This is a decision on the petition, filed November December 8, 2010 under 37 CFR 1.137(b)¹, to revive the above identified application.

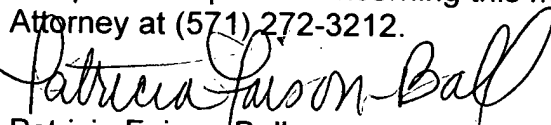
The petition is **GRANTED**.

This application became abandoned November 9, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on August 6, 2010. Accordingly, the Notice of Abandonment was mailed on November 19, 2010.

The issue fee in the amount of \$755.00, publication fee in the amount of \$300 and the petition fee in the amount of \$810 have been applied.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONNORS ASSOCIATES
1600 DOVE ST
SUITE 220
NEWPORT BEACH CA 92660

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of
Wagner
Application No. 12/157,181
Filed/Deposited: 6 June, 2008
Attorney Docket No. 9575c

DECISION

This is a decision on the petition filed 6 August, 2010, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

NOTE:

Either Petitioner ignored the reply requirements under the Rule or Petitioner ignored the requirement that each paper must be a separate paper (*see*: 37 C.F.R. §1.4) and attempted to fold the reply requirement into a paper identified as a petition (to revive).

The pursuant to 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision or any petition in the alternative is to be filed **within two (2) months** from the mail date of this decision. *Note* 37 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment," and/or "Renewed Petition under 37 C.F.R. §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Application No. 12/157,181

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Again Petitioner does not appear to have addressed the reply requirement under the rule. This deficiency must be overcome.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 3 June, 2009, with reply due absent extension of time on or before 3 September, 2009.

The application went abandoned by operation of law after midnight 3 September, 2009.

The Office mailed the Notice of Abandonment on 18 December, 2009.

On 6 August, 2010—roughly fifteen (15) months after abandonment and nearly a year after Notice thereof—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), but appeared either to have failed to file the required reply (an Election) to the Restriction Requirement and/or attempted to fold the reply into another paper identified as a petition, contrary to the requirements of the Rules of Practice (*see*: 37 C.F.R. §1.4). Petitioner must overcome this deficiency.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/157,181

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the reply requirement under the rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:


By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Application No. 12/157,181

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONNORS ASSOCIATES
1600 DOVE ST
SUITE 220
NEWPORT BEACH CA 92660

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of :
Wagner :
Application No. 12/157,181 : DECISION
Filed/Deposited: 6 June, 2008 :
Attorney Docket No. 9575c :

This is a decision on the petition filed on 21 March, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

NOTE:

Once again Petitioner chose to ignore the Rules of Practice and improperly fold two or more separate matters into a single paper.

Petitioner appears to have changed addresses, however, rather than file a proper Notice of Change of Address, Petitioner chose to incorporate that information into one paper styled "Reply to Dismissal of Petition to Revive Unintentionally Abandoned Application," and into a second paper styled "Reply to an Office Action."

Pursuant to the Rules of Practice, each paper must be a separate paper (*see*: 37 C.F.R. §1.4¹).

¹ The regulations at 37 C.F.R. §1.4 provide:

§ 1.4 Nature of correspondence and signature requirements.

(a) Correspondence with the Patent and Trademark Office comprises:

(1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents, orders for copies of records, transmission of assignments for recording, and the like, and
(2) Correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in subpart B, §§ 1.31 to 1.378; of international applications in subpart C, §§ 1.401 to 1.499; of *ex parte* examinations of patents in subpart D, §§ 1.501 to 1.570; of extension of patent term in subpart F, §§ 1.710 to 1.785; of *inter partes* reexaminations of patents in subpart H, §§ 1.902 to 1.997; and of the Board of Patent Appeals and Interferences in part 41 of this title.

(b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

Further, because the address on the petition is different from that of record, a courtesy copy of this decision will be directed to the address on the petition.

(c) Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

(d)(1) *Handwritten signature.* Each piece of correspondence, except as provided in paragraphs (d)(2), (d)(3), (e) and (f) of this section, filed in an application, patent file, or other proceeding in the Office which requires a person's signature, must:

(i) Be an original, that is, have an original handwritten signature personally signed, in permanent dark ink or its equivalent, by that person; or

(ii) Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(2) *S-signature.* An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section are as follows.

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

(3) *Forms.* The Office provides forms to the public to use in certain situations to assist in the filing of correspondence for a certain purpose and to meet certain requirements for patent applications and proceedings. Use of the forms for purposes for which they were not designed is prohibited. No changes to certification statements on the

Office forms (e.g., oath or declaration forms, terminal disclaimer forms, petition forms, and nonpublication request forms) may be made. The existing text of a form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any Office form with text identifying the form as an Office form by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter that the existing text and any certification statements on the form have not been altered other than permitted by EFS-Web customization.

(4) *Certifications.* (i) *Section 11.18 certifications:* The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this subchapter. Violations of § 11.18(b)(2) of this subchapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 11.18(c) of this subchapter. Any practitioner violating § 11.18(b) of this subchapter may also be subject to disciplinary action. See §§ 11.18(d) and 11.804(b)(9) of this subchapter.

(ii) *Certifications as to the signature:*

(A) *Of another:* A person submitting a document signed by another under paragraph (d)(2) of this section is obligated to have a reasonable basis to believe that the person whose signature is present on the document was actually inserted by that person, and should retain evidence of authenticity of the signature.

(B) *Self certification:* The person inserting a signature under paragraph (d)(2) of this section in a document submitted to the Office certifies that the inserted signature appearing in the document is his or her own signature.

(C) *Sanctions:* Violations of the certifications as to the signature of another or a person's own signature, set forth in paragraphs (d)(4)(ii)(A) and (B) of this section, may result in the imposition of sanctions under § 11.18(c) and (d) of this chapter.

(e) Correspondence requiring a person's signature and relating to registration practice before the Patent and Trademark Office in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings must be submitted with an original handwritten signature personally signed in permanent dark ink or its equivalent by that person.

(f) When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission, of the certification is not acceptable.

(g) An applicant who has not made of record a registered attorney or agent may be required to state whether assistance was received in the preparation or prosecution of the patent application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. Assistance includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent and Trademark Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

(h) *Ratification/confirmation/evidence of authenticity:* The Office may require ratification, confirmation (which includes submission of a duplicate document but with a proper signature), or evidence of authenticity of a signature, such as when the Office has reasonable doubt as to the authenticity (veracity) of the signature, e.g., where there are variations of a signature, or where the signature and the typed or printed name, do not clearly identify the person signing.

Application No. 12/157,181

However, all correspondence will be directed to the address of record until a proper Notice of Change of Address is filed of record.

Petitioner's continued refusal to comply with the Rules of Practice—and the resulting continued failure to file a proper reply as required by the regulations at 37 C.F.R. §1.137(b)—may be considered *indicia* of delay that is other than unintentional.

The petition pursuant to 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision or any petition in the alternative is to be filed **within two (2) months** from the mail date of this decision. *Note* 37 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a “Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment,” and/or “Renewed Petition under 37 C.F.R. §1.137(b).”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

**As to the Allegations
of Unintentional Delay**

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Again Petitioner does not appear to have addressed properly the reply requirement under the rule. This deficiency must be overcome.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 3 June, 2009, with reply due absent extension of time on or before 3 July, 2009.²

The application went abandoned by operation of law after midnight 3 July, 2009.³

The Office mailed the Notice of Abandonment on 18 December, 2009.

² Previously misstated as 3 September, 2009.

³ Previously misstated as 3 September, 2009.

Application No. 12/157,181

On 6 August, 2010—roughly fifteen (15) months after abandonment and nearly a year after Notice thereof—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), but appeared either to have failed to file the required reply (an Election) to the Restriction Requirement and/or attempted to fold the reply into another paper identified as a petition, contrary to the requirements of the Rules of Practice (*see*: 37 C.F.R. §1.4). The petition was dismissed on 18 January, 2011.

On 21 March, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), but—again—insisted on folding multiple papers together, , contrary to the requirements of the Rules of Practice (*see*: 37 C.F.R. §1.4). Petitioner must overcome this deficiency—each paper must be a separate paper, e.g.:

- a Notice of Change of Address;
- a petition pursuant to 37 C.F.R. §1.137(b) (form enclosed);
- a proper reply to the 3 June, 2009, Restriction Requirement.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁴

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{5, 6}

⁴ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁵ See: *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁶ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal

Application No. 12/157,181

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁷

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the reply requirement under the rule.

Petitioners’ attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **dismissed**.

Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

⁷ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/157,181

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁸) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC:
JOHN J. CONNORS
CONNORS & ASSOCIATES
13421 DANBURY LANE/UNIT 135-I
SEAL BEACH, CA 90740

⁸ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN J. CONNORS
CONNORS & ASSOCIATES
13421 DANBURY LANE/UNIT 135-I
SEAL BEACH, CA 90740

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Wagner, et al :
Application No. 12/157,181 : **DECISION**
Filed/Deposited: 6 June, 2008 :
Attorney Docket No. 9575c :

This is a decision on the petition filed on 1 August, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

NOTE:

The record (including the petitions filed on 6 August, 2010, and on 21 March and 1 August, 2011) does not necessitate a finding that the delay between midnight 3 July, 2009 (the date of abandonment), and 1 August, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel John J. Connors (Reg. No. 24,157) when accepting Petitioner's representation that the delay in filing the response was unintentional.¹

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

¹ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

Application No. 12/157,181

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 3 June, 2009, with reply due absent extension of time on or before 3 July, 2009.

The application went abandoned by operation of law after midnight 3 July, 2009.

The Office mailed the Notice of Abandonment on 18 December, 2009.

On 6 August, 2010—roughly fifteen (15) months after abandonment and nearly a year after Notice thereof—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), but appeared either to have failed to file the required reply (an Election) to the Restriction Requirement and/or attempted to fold the reply into another paper identified as a petition, contrary to the requirements of the Rules of Practice (*see*: 37 C.F.R. §1.4). The petition was dismissed on 18 January, 2011.

On 21 March, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), but—again—insisted on folding multiple papers together, contrary to the requirements of the Rules of Practice (*see*: 37 C.F.R. §1.4). Petitioner had to overcome the deficiency such that each paper was a separate paper. The petition was dismissed on 31 May, 2011.

On Monday, 1 August, 2011, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.137(b), pointed to the previously filed fees and reply in the form of an Election, and provided an explanation as to the statement of unintentional delay.

As noted above, the record (including the petitions filed on 6 August, 2010, and on 21 March and 1 August, 2011) does not necessitate a finding that the delay between midnight 3 July, 2009 (the date of abandonment), and 1 August, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel John J. Connors (Reg. No. 24,157) when accepting Petitioner's representation that the delay in filing the response was unintentional.²

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).⁴

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁵))

² See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁴ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

⁵ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/157,181

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center 3724 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/9/11

TO SPE OF : ART UNIT 3754

SUBJECT : Request for Certificate of Correction for Appl. No.: 12157279 Patent No.: 7857172

CofC mailroom date: 2/24/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE

3754
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,290	06/09/2008	Richard A. Dluhy	222102-1340	7658

7590 04/07/2011
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER
LAUCHMAN, LAYLA G

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
04/07/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 7, 2011

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

Re Application of

DLUHY, RICHARD A., Et. Al

Application No: **12/157290**

Filed: **06/09/2008**

Attorney Docket No: **222102-1340**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 9, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,301	06/09/2008	LinShu Liu	0099.08	7988
25295	7590	10/13/2011		
USDA, ARS, OTT 5601 SUNNYSIDE AVE RM 4-1159 BELTSVILLE, MD 20705-5131			EXAMINER ZEMEL, IRINA SOPJIA	
			ART UNIT	PAPER NUMBER
			1765	
			MAIL DATE	DELIVERY MODE
			10/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 12, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

In re Application of
LIU, LINSHU, et al.
Application No: **12/157301**
Filed: **06/09/2008**
Attorney Docket No: **0099.08**

:
: **DECISION ON PETITION**
:

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 16, 2005.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 1, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

Re Application of
LIU, LINSHU., ET AL

Application: **12/157301**

Filed: **06/09/2008**

Attorney Docket No: **0099.08**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewed Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 26, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 25 2010

OFFICE OF PETITIONS

Gelcys Basulto
4332 Gentry Ave., #2
Studio City CA 91604

In re Application of :
Gelcys Basulto :
Application No. 12/157,305 : **DECISION ON PETITION**
Filed: June 10, 2008 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 13, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 14, 2009. The Notice of Abandonment was mailed July 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$110 examination fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

A refund in the amount of \$550 will be issued by Treasury Check for the excess payment due to large entity fee(s) submission. The application is now in small entity status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 05 2011

OFFICE OF PETITIONS

LEONARD TACHNER A PROFESSIONAL LAW
CORPORATION
17961 SKY PARK CIRCLE SUITE 38-E
IRVINE CA 92614

In re Application of	:	
Yamashiro, et al.	:	
Application No. 12/157,342	:	ON PETITION
Filed: June 9, 2008	:	
Attorney Docket No. YAMASHIRO-1	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed November 4, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed August 5, 2010, which set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 6, 2010. The Office mailed a Notice of Abandonment on February 24, 2011.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

Application No. 12/157,342

Page 2

The application is being forwarded to Group Art Unit 3711 to await applicants' submission of the Appeal Brief.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo'.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
AUG 12 2011
OFFICE OF PETITIONS

Paper No.

Michael Fiske
P.O. Box 475178
San Francisco CA 94147

In re Application of :
Fiske :
Application No. 12/157,354 : DECISION ON PETITION
Filed: June 7, 2008 : PURSUANT TO
Title: SYSTEM WITH ACCESS : 37 C.F.R. § 1.137(B)
KEYS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 18, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed December 22, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 23, 2011. A notice of abandonment was mailed on July 8, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 18, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning this application should be directed to the Technology Center.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.³ In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

³ See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

inquiry results in the discovery that the delay was intentional,
Petitioner must notify the Office.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: DAVID LEWIS
1250 AVIATION AVE., SUITE 200B
SAN JOSE, CA 95110



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DONN K. HARMS
PATENT & TRADEMARK LAW
CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of

Schmidt

Application No. 12/157,375

Filed: June 9, 2008

Attorney Docket No. **3962-PAT**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the restriction/election requirement mailed June 5, 2009, which set a shortened period for reply of one month from its mailing date. A response was not received within the allowable period. The application became abandoned on July 6, 2009. A Notice of Abandonment was mailed January 25, 2010.

The election filed March 4, 2011, is noted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application,

the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 1700, GAU 1761 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

CC:
James P. Delany
444 South Cedros Avenue, Suite 175
Solana Beach, CA 92075



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 27 2010

OFFICE OF PETITIONS

**Edward Pakhchyan
612 Luton Dr.
Glendale CA 91206**

In re Application of
Edward Pakhchyan, et al.
Application No. 12/157,411
Filed: June 9, 2008
Attorney Docket No. 008-43

:
:
:
:
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 2010. The Notice of Abandonment was mailed July 29, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Edward Pakhchyan) was ever given a power of attorney to act on behalf of inventors Haik Mesropian and Syuzi Pakhchyan, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edward Pakhchyan
612 Luton Dr.
Glendale CA 91206

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Edward Pakhchyan, et al. :
Application No. 12/157,411 : **DECISION ON PETITION**
Filed: June 9, 2008 :
Attorney Docket No. 008-43 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010. Accordingly, the date of abandonment of this application is July 10, 2010. The Notice of Abandonment was mailed July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCT 01 2010

Thomas A. Ladd
5802 N. Dearborn Street
Indianapolis, IN 46220

In re application of	:	DECISION ON PETITION
David S. Koltick	:	TO MAKE SPECIAL FOR
Application No. 12/157,416	:	NEW APPLICATION
Filed: June 10, 2008	:	UNDER 37 CFR 1.102
For: NEUTRON FLUX SOURCE AND USE	:	
THEREOF	:	

This is a decision on the petition filed on October 19, 2009 to make the above-identified application special for Energy under 37 C.F.R. § 1.102(c) which is hereby treated as filed under 37 C.F.R. § 1.102(d)

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portions of the Accelerated Examination Notice are as follows (emphasis added):

Supplementary Information:

...

The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, **energy**, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice.

A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice.

...

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

- (1) The application **must be filed with a petition** to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

Decision

The petition to make special for Energy under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the

guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on October 19, 2009, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

TL/tt: 9/30/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
May 11

BINGHAM MCHALE LLP
2700 MARKET TOWER
10 WEST MARKET STREET
INDIANAPOLIS IN 46204-4900

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
David S. Koltick :
Application Number: 12/157,416 : ON PETITION
Filing Date: 06/10/2008 :
Attorney Docket Number: 17933- :
94299/62048.10.US :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on April 12, 2011, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned on November 7, 2010, for failure to timely file a response to the Office action requiring restriction and/or election mailed on October 6, 2010, which set a one (1) month shortened statutory period for reply.¹ No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 12, 2011.

Receipt of the election with traverse filed on April 12, 2011 is acknowledged.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.² The five (5)-month extension request filed on April 12, 2011, was submitted more than five (5) months after the end of the period

¹ MPEP 810 states that a 1-month (not less than 30 days) shortened statutory period will be set for reply when a written restriction requirement is made without an action on the merits. However, it is noted that the Office action mailed on October 7, 2010, specified a three (3) month period for reply.

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

for reply to the Office action mailed on October 6, 2010, and therefore is unnecessary. The extension of time fee paid on February 15, 2011, will be refunded to counsel's deposit account.

The application is referred to Technology Center Art Unit 3663 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Robert S. Schwartz

Application No. 12157435

Filed: June 10, 2008

Attorney Docket No. 77-1003

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Robert S. Schwartz

Application No. 12157435

Filed: June 10, 2008

Attorney Docket No. 77-1003

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/157,435	Confirmation Number	6958	Filing Date	2008-06-10
Attorney Docket Number (optional)	77-1003	Art Unit	3766	Examiner	Tammie Heller
First Named Inventor	Robert S. Schwartz				
Title of Invention	Cardiac Stimulation Apparatus and Method for the Control of Hypertension				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Robert	Alfred	Van Tassel			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature. Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/ Steven P. Arnheim /		Date (YYYY-MM-DD)	2011-07-20	
Name	Steven P. Arnheim		Registration Number	43475	

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P.O. BOX 5052
TROY, MI 48007

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of
Louisa J. PERRYMAN
Application No. 12/157,543
Filed: June 11, 2008
Attorney Docket No. **DP-316622**

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12157551	
Filing Date	11-Jun-2008	
First Named Inventor	Lawrence Lynnworth	
Art Unit	2614	
Examiner Name	TUAN NGUYEN	
Attorney Docket Number	E8174-00135	
Title	STEERABLE ACOUSTIC WAVEGUIDE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/lewis f. gould, jr./
Name	LEWIS F. GOULD, JR.
Registration Number	25057



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 5, 2011

In re Application of :

Lawrence Lynnworth

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12157551

Filed : 11-Jun-2008

Attorney Docket No : E8174-00135

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 5, 2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2614 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,591	06/11/2008	Yuji Sugino	4041J-001467	8197
27572 7590 03/30/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
			EXAMINER TAOUSAKIS, ALEXANDER P	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 03/30/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:
SUGINO, YUJI et al
Serial No.: 12/157,591
Filed: June 11, 2008
Docket: 4041J-001467
Title: METHOD OF MANUFACTURING
HEAT EXCHANGER AND
APPARATUS FOR
MANUFACTURING HEAT
EXCHANGER

::
:
:
:
:: DECISION ON REQUEST
TO PARTICIPATE IN
PATENT PROSECUTION
HIGHWAY (PPH) AND
PETITION TO MAKE
SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, the application is undergoing pre-examination processing. Upon completion, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to David Bryant, SPE of Art Unit 3726, and 571-272-4713 for Class 29/890 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUSCH BLACKWELL LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki et al :
Application No. 12/157,594 :
Filed: June 11, 2008 :
Attorney Docket No. 0553-0362.01 :

ON PETITION

This is a decision on the petition, filed June 13, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 20, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES G. CALL
361 WILD COFFEE LN
MARCO ISLAND FL 34145-1849

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of
Herr et al.
Application No. 12/157,727
Filed: June 12, 2008
Attorney Docket No. H-30

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2010 and June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

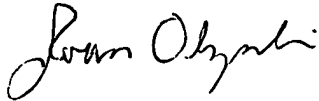
The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 7, 2008. A Notice of Abandonment was mailed April 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the Oath or Declaration, the \$130.00 Surcharge fee, the \$330.00 Basic filing fee, the \$540.00 Search fee, and the \$220.00 Examination fee, the \$540.00 Excess of 100 pages fee (all previously submitted February 18, 2010) and Replacement drawings; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with the first name "Joan" being more prominent than the last name "Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 13, 2012

In re Application of :

Mohsin Saeed

Application No : 12157736

Filed : 12-Jun-2008

Attorney Docket No : 4137-CIP

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 13, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12157736	
Filing Date	12-Jun-2008	
First Named Inventor	Mohsin Saeed	
Art Unit	3734	
Examiner Name	KEVIN EVERAGE	
Attorney Docket Number	4137-CIP	
Title	APPARATUS AND METHOD FOR IMPLANTATION OF BIFURCATED ENDOVASCULAR PROSTHESIS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Donn K. Harms/
Name	Donn K. Harms
Registration Number	38911



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN, TX 75013

MAILED

MAY 29 2011

In re Application of	:	OFFICE OF PETITIONS
Russell McKown	:	
Application No. 12/157,738	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW FROM
Attorney Docket No. ART001CON	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed April 26, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request¹. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Additionally, the request cannot be approved because Mr. Gostanian did not make all the required certifications. It is noted that practitioner has not certified that he (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled.

Practitioner should note that USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved. (See *USPTO Form No. PTO/SB/83*).

¹Raffi Gostanian, Jr. was appointed individually by the Oath/Declaration filed on June 12, 2008.

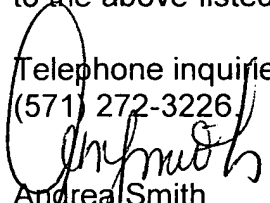
Further, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (See USPTO Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71²*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. Therefore, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

There is an Office action mailed on March 21, 2011, that requires a reply from the applicant.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Advanced Receiver Technologies, LLC
P.O. Box 740755
Dallas, TX 75374-0755

² An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN, TX 75013

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of

Russell McKown

Application No. 12/157,738

Filed: June 12, 2008

Attorney Docket No. ART001CON

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 1, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

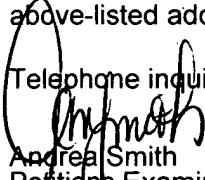
The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71¹, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. Therefore, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

Additionally, petitioner reminded that the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (See USPTO Form PTO/SB/82).

There is an outstanding Office action mailed on March 21, 2011, that requires a reply from the applicant.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Advanced Receiver Technologies, LLC
11651 Plano Road, Suite 400
Dallas, TX 75243

¹ An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN, TX 75013

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of
Russell McKown
Application No. 12/157,738
Filed: June 12, 2008
Attorney Docket No. ART001CON

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed July 2, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the **most current address** Information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. Therefore, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

Petitioner should note that prior decision mailed June 28, 2011, was returned to the Office as undeliverable¹. Therefore, the most current address of the assignee or first named inventor must be submitted.

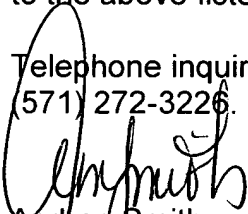
Additionally, petitioner reminded that the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (See USPTO Form PTO/SB/82).

There is an outstanding Office action mailed on March 21, 2011, that requires a reply from the applicant.

¹ Mail was returned as "RETURN TO SENDER ATTEMPTED-NOT KNOWN UNABLE TO FORWARD."

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SHYAM V. DIGHE
WESTINGHOUSE PLASMA CORPORATION
P.O. BOX 410
PLASMA CENTER, WALTZ MILL SITE
MADISON PA 15663**

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
DIGHE, et al	:	
Application No. 12/157,751	:	DECISION ON PETITION
Filed: June 14, 2008	:	TO WITHDRAW
Attorney Docket No. 2008WP1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the Request for Withdrawal as Attorney or Agent does not include the current correspondence address for the first named inventor. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: INGO KRIEG
4155 LAKESIDE DRIVE
JACKSONVILLE, FL 32210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
SEP 08 2011
OFFICE OF PETITIONS

In re Application of
DIGHE, et al
Application No. 12/157,751
Filed: June 14, 2008
Attorney Docket No. 2008WP1

:
:
:
:
:

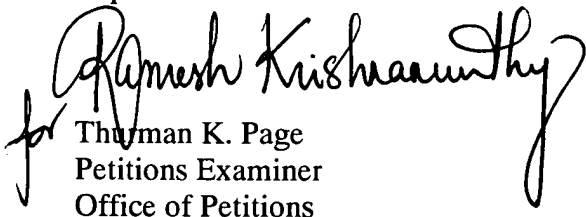
NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.


for Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

W. THOMAS TIMMONS
1320 PRUDENTIAL DRIVE
SUITE 208
DALLAS TX 75235-4117

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Mayer	:	
Application No. 12/157,852	:	DECISION
Filed/Deposited: 29 December, 2008	:	
Attorney Docket No. MUFLER.IMP	:	

This is a decision on the papers filed on 25 February, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

The instant petition—contending timely reply while also requesting “revival”—suggests confusion between remedies available pursuant to the regulations at 37 C.F.R. §1.181 and those available pursuant to the regulations at 37 C.F.R. §1.137(a) or (b).

The former (pursuant to 37 C.F.R. §1.181) provides a procedure available without fee to seek the return of an application to pending status because Petitioner did not receive the Office action in question or, in the alternative, did receive and timely and properly replied to the Office action but the Office appears not to have a record of that reply.

The latter (pursuant to 37 C.F.R. §1.137(a) or (b)) provides procedures available to seek revival if an application has gone abandoned due to delay that is unavoidable or unintentional, respectively.

While the Office will not seek to infer or fathom Petitioner’s intent, and although Petitioner has submitted a reply and authorization for a fee, it appears that he is seeking withdrawal of the holding of abandonment.

Because it appears that Petitioner may be able to satisfy the requirements under the rule (*see*: the guidance in the Commentary at MPEP §711.03(c)(I)), the Office requests that Petitioner track the requirements under the rule on any renewed petition. Alternatively, Petitioner may submitted a petition to revive.

Application No. 12/157,852

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 18 August, 2010, with reply due absent extension of time on or before 18 November, 2010.

The application went abandoned by operation of law after midnight 18 November, 2010.

The Office mailed the Notice of Abandonment on 23 February, 2011.

On 25 February, 2011, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply, however, Petitioner presented no date-stamped receipt card, and failed to detail the events associated with the matter in compliance with the guidance in the Commentary at MPEP §711.03(c)(I) (*see*: below).

Thus, Petitioner has not satisfied the showing under the Rule.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the

correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/157,852

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

W. THOMAS TIMMONS
1320 PRUDENTIAL DRIVE
SUITE 208
DALLAS TX 75235-4117

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Mayer	:	
Application No. 12/157,852	:	DECISION
Filed/Deposited: 29 December, 2008	:	
Attorney Docket No. P-B308	:	

This is a decision on the papers filed on 1 June, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 18 August, 2010, with reply due absent extension of time on or before 18 November, 2010.

The application went abandoned by operation of law after midnight 18 November, 2010.

The Office mailed the Notice of Abandonment on 23 February, 2011.

On 25 February, 2011, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply, however, Petitioner presented no date-

stamped receipt card, and failed to detail the events in associated with the matter in compliance with the guidance in the Commentary at MPEP §711.03(c)(I) (*see*: below): (Petitioner also requested “revival”—suggesting confusion between remedies available pursuant to the regulations at 37 C.F.R. §1.181 and those available pursuant to the regulations at 37 C.F.R. §1.137(a) or (b). The Office did not seek to infer or fathom Petitioner’s intent—thus, while Petitioner submitted a reply and authorization for a fee, it appeared that he sought withdrawal of the holding of abandonment.) The petition was dismissed on 28 Marc, 2011.

On 1 June, 2011, Petitioner re-advanced his request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply, and made the first person averments supported by copies of the papers submitted over certificate of mail. (Petitioner will find it beneficial to submit papers accompanied by a receipt card pursuant to MPEP §503.)

Thus, Petitioner has sought to satisfy the showing under the Rule.

With regard to Petitioner’s request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (*see* MPEP §513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. *See* MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, *see* 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the

previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the

¹ *See*: MPEP §711.03(c) (I)(B).

² *See* supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. *See Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 12/157,852

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).


CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 23 February, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2622 for further processing (to await the Examiner's Answer) in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Handley Law Firm, PLLC
Roger N. Chauza, PC
PO BOX 140036
IRVING TX 75014

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
Gary W. Cummings :
Application No. 12/157,861 : **DECISION ON PETITION**
Filed: June 13, 2008 :
Attorney Docket No. WLA-0501US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 7, 2011. Accordingly, the date of abandonment of this application is June 8, 2011. The Notice of Abandonment was mailed June 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/28/10

TO SPE OF : ART UNIT 3677

SUBJECT : Request for Certificate of Correction for Appl. No.: 12157878 Patent No.: 7762752

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Director's SPE response to 571-270-0990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Victor S. Bates
SPE

3677
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399**

MAILED

JUN 20 2011

In re Application of
Gerhard E. KRAWCZYK, et al.
Application No. 12/157,883
Filed: June 13, 2008
Attorney Docket No. **A01923**

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.137(b)**
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2011, to revive the above-identified application.


The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 10, 2010. Accordingly, the date of abandonment of this application is March 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL TAVELLA
2051 BRIGADIER DRIVE
ANCHORAGE AK 99507

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Randall et al. :
Application No. 12/157,903 : **DECISION ON PETITION**
Filed: June 12, 2008 :
Title: Novelty Drinking Cup :

This is a decision on the petition, filed March 31, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed August 31, 2010, which set a one (1) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 10, 2011.

Petitioner asserts that the Office action dated August 31, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

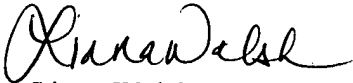
- (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.
- (2) A statement from the practitioner that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.
- (3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since petitioner has provided a response to the August 31, 2010 Office action, this matter is being referred to the Technology Center AU 3711 for further examination on the merits

A handwritten signature in black ink, appearing to read "Liana Walsh", written in a cursive style.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Lt. Col. Richard E. Page, Jr.
P.O. Box 342/240 Allison Page Road
Aberdeen, NC 28315-0342

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of
Richard Eastwood Page, Jr.
Application No. 12/157,965
Filed: June 16, 2008
Attorney Docket No. N/A

ON PETITION

This is a decision on the paper dated August 23, 2010, which is titled "Re: Reply to Office Action Summary of 05/27/2010," filed March 30, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting to withdraw the holding of abandonment in the above-identified application.

A review of the record shows that a final Office action was mailed May 27, 2010, which set a three month response period for reply. On August 23, 2010, a response was filed. On September 30, 2010, an Advisory Action Before the Filing of an Appeal Brief was mailed, which petitioner was informed that the "THE REPLY FILED 23 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE". The Advisory action also informed petitioner that the response period expires three months from the mailing date of the final rejection, but extensions of time under 37 CFR 1.136(a) may be obtained. Since no response and no extensions of time were received by the Office before or by the end of the six month statutory period, this application was properly held abandoned¹ and a petition under 37 CFR 1.137(b) is required.

In view of the above the present petition is dismissed.

ALTERNATIVE VENUE

Petitioner is encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

¹ The application was abandoned on August 28, 2010. A Notice of Abandonment was mailed December 10, 2010.

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application (PTO/SB/64) is enclosed for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b), petitioner must complete form PTO/SB/64 and pay the \$810 petition fee.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision.

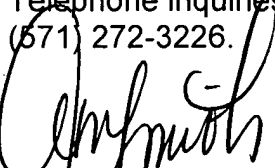
By mail:

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at
(571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name and title.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosures: Privacy Act Statement
Blank Petition under 37 CFR 1.137(b) – Form PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Lt. Col. Richard E. Page, Jr.
P.O. Box 342/240 Allison Page Road
Aberdeen, NC 28315-0342

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of
Richard Eastwood Page, Jr.
Application No. 12/157,965
Filed: June 16, 2008
Attorney Docket No. N/A

ON PETITION

This is a decision on the letter filed June 30, 2011, in which petitioner requests reconsideration of the decision mailed May 5, 2011.

The petition is again **dismissed**, for the reason stated below.

The letter filed on June 30, 2011, presents no arguments with regards to the final Office action of May 27, 2010, the Advisory Action mailed September 30, 2010 or the decision mailed May 5, 2011.

This application (12/157,965) became abandoned for failure to timely file a proper response to the final Office action mailed May 27, 2010. In order to move this application forward, it petitioner should consider filing a petition to revive under 37 CFR 1.137(b). A petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee and a proper response to the Office action that will continue prosecution of the above application¹.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Additionally, petitioner states "All of the actions by Christopher Verdier which you list in second paragraph of letter, in my opinion, are meaningless since the subject Application (No. 12/157,965) was already inactive, having been displaced by No. 20100031657 in the act of publication on February 11, 2010. This act of publication also appears to protect applicant's rights under US law when a patent, with substantially identical claims as those for Application 2010 0031657, is issued."

¹ Since the amendment submitted August 23, 2010, did not prima facie place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) and fee, or the filing of a continuing application under 37 CFR 1.53(b).

With regards to this application, petitioner should note 35 U.S.C. 122(b)(1)(A) which states in part that each application for a patent shall be published, in accordance with procedures determined by the Director, promptly after the expiration of a period of 18 months from the earliest filing date for which a benefit is sought under this title. At the request of the applicant, an application may be published earlier than the end of such 18-month period. Thus, this application received publication No. 20100031657 and was published on February 11, 2010.

Petitioner should further note that applications filed on or after November 29, 2000, are subject for publication. Publication of a patent application before a patent is granted stems from a statutory mandate contained in the American Inventors Protection Act of 1999 (AIPA). Under the provisions of AIPA, inventors can obtain reasonable royalties from those who make, use, sell or import the invention during the period between the time the patent application is published and the patent is granted. For this reason, this application was assigned publication No. 20100031657; however, this publication number does not and will not replace Application No. 12/157,965.

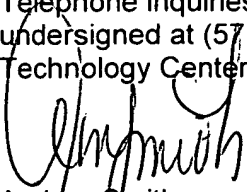
Further correspondence with respect to the **abandonment** of this application should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning abandonment of this application may be directed to the undersigned at (571) 272-3226. Questions regarding examination procedures should be directed to Technology Center Art Unit 3745 at (571) 272-3700.



Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,967	06/13/2008	Kazuhiro Sakurada	AOY2.004APC	8797
20995 7590 03/12/2012 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER CROUCH, DEBORAH	
			ART UNIT 1632	PAPER NUMBER
			NOTIFICATION DATE 03/12/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 8, 2012

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
Kazuhiro Sakurada et al. : **DECISION ON PETITION**
Application No. 12157967 :
Filed: 06/13/2008 :
Attorney Docket No. AOY2.004APC :
59

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 13, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of
Wolfram Haarmann
Application No. 12/158,043
Filed: June 18, 2008
Attorney Docket No. 2525-1001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 4, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in black ink, appearing to read "Terri Johnson". The signature is written in a cursive, flowing style.

Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 11 2011

OFFICE OF PETITIONS

**Stolowitz Ford Cowger LLP
621 SW Morrison St.
Suite 600
Portland, OR 97205**

In re Application of
Wolfram Haarmann
Application No. 12/158,043
Filed: June 18, 2008
Attorney Docket No. 2525-1001

:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michelle Craig on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Wolfram Haarmann at the address indicated below.

There is an outstanding Office action mailed December 10, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Wolfram Haarmann
Canzler & Bergmeier
Friedrich-Ebert-Str. 84
Ingolstadt 85055 DE GERMANY**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/158,043	06/18/2008	Wolfram Haarmann	2525-1001

CONFIRMATION NO. 6191

POWER OF ATTORNEY NOTICE



OC000000047024112

73552
Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Date Mailed: 04/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/158,154	09/08/2008	Michael James Newitt	08270022AA	6944
30743 7590 12/20/2011 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			EXAMINER MUSSEY, BARBARA J	
			ART UNIT	PAPER NUMBER
			1746	
			MAIL DATE	DELIVERY MODE
			12/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Best Available Copy



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: 12/20/11

In re application of
Michael James NEWITT et al.

Application Number: 12/158,154

Filed: September 8, 2008

For: LAMINATE TILE AND METHOD OF
MANUFACTURING A LAMINATED
TILE

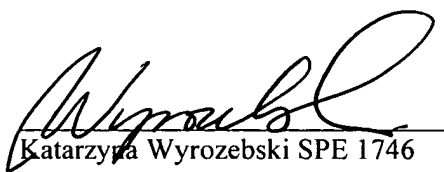
**DECISION ON
PETITION**

This is a decision on the petition filed on September 1, 2011 to correct inventorship in a patent under 37 CFR 1.48 (a).

Decision

Applicants are deemed to have fulfilled the requirements under 37 CFR 1.48 (a) in that the petition is accompanied by: (1) Statements from the currently named inventors, including the inventor whose name is being removed, agreeing to the change of inventorship and that the error in inventorship occurred without deceptive intent; (2) A statement from the assignee of the parties submitting statements under (1) above agreeing to the change of inventorship in the patent in compliance with 37 CFR 3.73(b); and (3) the fee set forth in 37 CFR 1.17(b).

The petition is **GRANTED**.


Katarzyna Wyrozebski SPE 1746
Technology Center 1700
Chemical and Materials Engineering

WHITHAM, CURTIS, CHRISTOFFERSON & COOK, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 8, 2011

In re Application of :

Sigmund Kobilke

Application No : 12158161

Filed : 19-Jun-2008

Attorney Docket No : 642732001100

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 8, 2011

The request is **APPROVED**.

The request was signed by Michael Stallman (registration no. 29444) on behalf of all attorneys/agents associated with Customer Number 86657 . All attorneys/agents associated with Customer Number 86657 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Excelitas Technologies Elcos GMBH

Name2

Address 1 22001 Dumberry Road

Address 2

City Vaudreuil, Québec

State

Postal Code J7V 8P7

Country CA

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12158161	
Filing Date	19-Jun-2008	
First Named Inventor	Sigmund Kobilke	
Art Unit	2821	
Examiner Name	HENRY LUONG	
Attorney Docket Number	642732001100	
Title	Illumination Device, Illumination Control Apparatus, Illumination System	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 86657		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Excelitas Technologies Elcos GMBH	
Address	22001 Dumberry Road	
City	Vaudreuil, Québec	
State		
Postal Code	J7V 8P7	
Country	CA	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Stallman/
Name	Michael Stallman
Registration Number	29444



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of :
CHEN, Wei, et al. :
Application No. 12/158,170 : DECISION DISMISSING PETITIONS
Int'l Filing Date: 05 January 2007 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 01US 142996-2040 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 31 March 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed international application and provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an

amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 or 37 CFR 1.76(b)(5)) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

SEP 9 2011

PCT LEGAL ADMINISTRATION

COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of
CHEN, Wei, et al.
Application No. 12/158,170
Int'l Filing Date: 05 January 2007
Attorney Docket No. 01US 142996-2040

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 07 July 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed international application and provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition's statement of unintentional delay is construed to mean the entire delay between the date the claim was due under paragraph (a)(2)(ii) and 1.78(a)(5)(ii) of this section and the date the claim was filed was unintentional. If

this is not a correct interpretation, applicants must notify the Office immediately. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1644 for appropriate action, including consideration by the examiner of the claim for benefit of the prior-filed applications.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AVON PRODUCTS, INC.
AVON PLACE
SUFFERN NY 10901

MAILED
JUL 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Dmitri S. Ptchelintsev	:	DECISION
Application No. 12/158188	:	ON PETITION
Filing or 371(c) Date: 06/19/2008	:	
Title of Invention:	:	
COMPOSITIONS CONTAINING PEPTIDES	:	
WITH NON-NATURAL AMINO ACIDS	:	
AND METHODS OF USE	:	

This Decision is in response to the "Petition Under 37 CFR 1.47(b)," filed May 16, 2011, requesting waiver of the signature of a nonsigning inventor on a 37 CFR 1.131 Declaration. The petition is properly treated under 37 CFR 1.183.

The petition is **granted**.

This application was filed on June 19, 2008, and named Dmitri S. Ptchelintsev as the sole inventor.

On October 9, 2007, a declaration under 37 CFR 1.131 signed by a corporate Office of Avon Products, Inc., the assignee of the present application, was filed.

Applicant/Petitioner files the present petition and provides that inventor Ptchelintsev was presented with a copy of the application as filed, the amendment and response under 37 CFR 1.111, a 1.131 Declaration, and a letter requesting inventor Ptchelintsev's signature for the 131 Declaration.

The MPEP 715.04, Swearing back of Reference, Affidavit or Declarant Under 37 CFR 1.131, provides in relevant part

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of

the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

This section states that a party qualified under 37 CFR 1.42, 1.43 or 1.47 may make the affidavit when it is not possible to produce the affidavit or declaration of the inventor, and that waiver of the signature requirement of the unavailable inventor may be demonstrated by proof similar to that required in a petition under 37 CFR 1.47. In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts that the inventors refuse to join in the Declaration.

Analysis and Conclusion

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a).

Petitioner has shown that the non-signing inventor, Dmitri S. Ptchelintsev, refuses to sign the 131 Declaration.

The petition is granted. The balance of the petition fee, \$200.00, has been charged to petitioner's deposit account¹.

The application is being referred to Technology Center Art Unit 1654 for processing of the reply to the Office action filed May 16, 2011, including the response under 37 CFR 1.111 and 131 Declaration signed by the corporate Office of Avon Products, Inc., and for continued examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ The fee for a petition under 37 CFR 1.183 (fee code 1462), is \$400.00.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MURPHY DESMOND S.C.
P.O. BOX 2038
MADISON WI 53701-2038

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Caldwell et al. :
Application No. 12/158,208 : DECISION ON PETITION
Filed: June 19, 2008 : PURSUANT TO
Attorney Docket No.: 089023 : 37 C.F.R. § 1.137(B)
Title: TOOL FOR EXTRACTING :
ELECTROPHORETIC SAMPLE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 13, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 30, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 1, 2010. A notice of abandonment was mailed on April 4, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, a terminal disclaimer to obviate a double patenting rejection over a prior patent along with the associated fee, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment and the terminal disclaimer that were received on April 13, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.² Accordingly, since the \$555 extension of time submitted with the petition on April 13, 2011 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account in due course.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the

¹ See Rule 1.137(d).

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Eric R. Ogden
33 E. Main St.
Suite 500
Madison, WI 53701-2038

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110406

DATE : April 05, 2011

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction on Patent No.: 7,884,117

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/Joseph K. McKane/
Supervisory Patent Examiner, Art Unit 1626



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
SAN JOSE CA 95134

MAILED

MAR 27 2012

OFFICE OF PETITIONS

In re Application of
Wolfram Drescher
Application No. 12/158,308
Filed: June 19, 2008
Attorney Docket No. **00 1684 US1**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 15, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed November 15, 2011. Accordingly, the date of abandonment of this application is February 16, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,750 and the publication fee of \$300, (2) the petition fee of \$1,860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of
Susan Yun Qu et al
Application No. 12/158,384
Filed: September 26, 2008
Attorney Docket No. ALTH-004/01US 307255-
2039

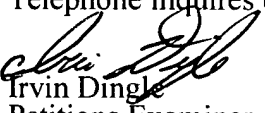
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 6, 2011.

The request is **APPROVED**.

A review of the file record indicates that Jessica R. Wolff: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Jessica R. Wolff has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jessica R. Wolff
4401 Eastgate Mall
San Diego, CA 92121



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MOSAID TECHNOLOGIES INCORPORATED
11 HINES ROAD
Suite 203
Ottawa ON K2K-2X1 CA CANADA

MAILED
OCT 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Antonio Francescon et al.	:	
Application No. 12/158,412	:	DECISION ON PETITION
Filed: June 20, 2008	:	
Attorney Docket No. 6141-13US-000-00	:	

This is a decision on the petition under 37 CFR 1.59(b), filed February 14, 2011, to expunge information from the above identified application.

The petition is granted.

Petitioner requests that an amendment filed January 30, 2011, be expunged from the record. Petitioner states that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

Petitioner notes that a subsequent amendment was filed January 31, 2011.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been removed from the official file.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW CA 94039-0460

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,855,227
Issue Date: December 21, 2010
Application No. 12/158,491
Filed: June 20, 2008
Attorney Docket No. 373987-006US
(398416)

: DECISION ON REQUEST
: FOR RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.705(d)", filed February 17, 2011. Patentee requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 112 to 151 days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred fifty-one (**151**) days.

On December 21, 2010 the application matured into U.S. Patent No. 7,855,227 with a revised PTA thereon of 112 days. On February 17, 2011, patentee filed the instant request and disputes the reduction of forty-seven (47) days attributed to patentee for the submission of a paper filed November 5, 2010 after the Notice of Allowance was mailed.

This application is not subject to a terminal disclaimer.

The reduction of forty-seven (47) days pursuant to 37 C.F.R. § 1.704(c)(10) is at issue.

The reduction of 47 days has been found to be incorrect. A review of the application file, as stated by Patentee, supports a conclusion that the reduction should be from the filing of the Amendment under 37 CFR § 1.312 on November 5, 2010 to the mailing of the response on November 12, 2010, not the issue date of the Patent on December 21, 2010. The period of delay pursuant to 37 C.F.R. § 1.704(c)(10) is therefore 8 days.

In view thereof, the patent term adjustment indicated in the patent should have been one hundred fifty-one **(151)** days.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred fifty-one (151) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P' and 'B'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,855,227 B2

DATED : December 21, 2010

INVENTOR(S) : Florian Thaler

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (112) days

Delete the phrase “by 112 days” and insert – by 151 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Buckingham et al.	:	DECISION ON PETITION
Application No. 12/158,512	:	TO WITHDRAW
Filed: October 23, 2008	:	FROM RECORD
Attorney Docket No. 2006982-0011	:	


This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The practitioner requesting withdrawal should have been given power of attorney in the application. A review of the file record indicates that Brenda Herschbach Jarrell is not one of the listed attorneys who have power of attorney in the instant application. As such, she cannot request to withdraw all of the practitioners of record.

Further, the change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. *See MPEP §§ 601.03 and 405*. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. The Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/158,577	06/20/2008	Mitsuru Naito	4386.81111	9301
7590 09/15/2010 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			09/15/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	
NOGRADI et al.	:	
Application No.: 12/158,589	:	DECISION
PCT No.: PCT/HU2006/000119	:	
Int. Filing Date: 19 December 2006	:	
Priority Date: 20 December 2005	:	
Attorney's Docket No.: 22941-010US1	:	
For: NEW COMPOUNDS	:	

This decision is in response to applicants' "PETITION TO WITHDRAW NOTICE OF ABANDONMENT" under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 23 October 2009. No petition fee is required.

BACKGROUND

On 19 December 2006, applicants filed international application PCT/HU2006/000119, which designated the United States and claimed a priority date of 20 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 June 2008.

On 20 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 September 2008, applicants filed a declaration of inventors.

On 21 October 2008, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 22 September 2008 was improper.

On 25 November 2008, applicants filed, *inter alia*, two declarations of inventors.

On 22 December 2008, applicants filed, *inter alia*, three declarations of inventors.

On 14 October 2009, the DO/EO/US issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 July 2008.

On 23 October 2009, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the NOTIFICATION OF ABANDONMENT issued 14 October 2009 be vacated because it was issued in error.

As noted by applicants, a response was filed to the NOTIFICATION OF MISSING REQUIREMENTS on 22 September 2008 and responses were filed to the NOTIFICATION OF DEFECTIVE RESPONSE on 25 November 2008 and 22 December 2008. The declaration of inventors filed 22 December 2008 is in compliance with 37 CFR 1.497(a)-(b). (See "Declarations of Inventors" section below.) Accordingly, the NOTIFICATION OF ABANDONMENT was issued in error and is hereby VACATED.

Declarations of Inventors

The declarations of inventors filed 25 November 2008 have been considered but it is not clear if the declarations are sufficient. The NOTIFICATION OF DEFECTIVE RESPONSE indicated that the declaration filed 22 September 2008 was not sufficient because it was an improper composite declaration, consisting of one first page, one second page, and two third pages. Attention was directed to MPEP § 201.03, which in essence states that each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete executed declarations may be submitted, but it is not permissible to combine pages of separate documents.

On 25 November 2008, applicants submitted two declarations of inventors. Each of the declarations included three pages. One declaration was signed by the first four inventors and the other was signed by the last three inventors.

On 22 December 2008, applicants submitted three declarations of inventors. Each of the declarations included three pages. One declaration was signed by the first three inventors, another by the fourth inventor, and another by the last three inventors.

The filing of the three declarations on 22 December 2008 suggests that the declaration of inventors signed by the first four inventors filed 25 November 2008 may be an improper composite declaration. Since the declaration of inventors filed 22 December 2008 does not have this concern, it has been taken as the proper declaration.

The declarations of inventors filed 22 December 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition to withdraw the holding of abandonment is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT issued 14 October 2009 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 09 2011

PCT LEGAL ADMINISTRATION

Mayer & Williams PC
251 North Avenue West
Suite 201
Westfield, NJ 07090

In re Application of :
BOTTNER et al. :
Application No.: 12/158,592 :
PCT No.: PCT/DE2006/001842 :
Int. Filing Date: 12 October 2006 :
Priority Date: 22 December 2005 :
Attorney Docket No.: 7003/80 :
For: NOVEL LACTOBACILLUS STRAINS :
AND THEIR USE AGAINST :
HELICOBACTER PYLORI :

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This decision is issued in response to applicants' "Petition for Revival of Application for Abandoned Unintentionally Under 37 CFR 1.37(b)" filed 13 June 2011.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 19 September 2008, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 19 November 2008.

On 21 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment indicating, in effect, that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 19 September 2008.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the

due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper reply was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b); a translation of the international application; the processing fee of \$130 under 37 CFR 1.492(i); and the surcharge of \$65 under 37 CFR 1.492(h). Applicants have submitted the declaration of the inventors which complies with 37 CFR 1.497(a) and (b); the processing fee of \$130 under 37 CFR 1.492(i); and the surcharge of \$65 under 37 CFR 1.492(h).

However, the purported translation of the international application into English is defective. Applicants' reply included a translation of the international application (specification, claims, and abstract), but did not include a revised drawing sheet. The only drawing sheet present in the file is the drawing sheet included with the published international application. The drawing sheet (from the published international application) contains untranslated Dutch text and is defective pursuant to PCT Rule 49.5(d). Thus, applicants have not filed a proper translation of the international application. The application therefore cannot be accepted under 35 U.S.C. 371 at this time and the application remains abandoned.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mayer & Williams PC
251 North Avenue West
Suite 201
Westfield, NJ 07090

MAILED
OCT 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
BOTTNER et al.	:	
Application No.: 12/158,592	:	DECISION ON PETITION
PCT No.: PCT/DE2006/001842	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 12 October 2006	:	
Priority Date: 22 December 2005	:	
Attorney Docket No.: 7003/80	:	
For: NOVEL LACTOBACILLUS STRAINS	:	
AND THEIR USE AGAINST	:	
HELICOBACTER PYLORI	:	

The petition to revive under 37 CFR 1.137(b) filed 15 August 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110808

DATE : August 08, 2011

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 7,892,034

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

The corrections are acceptable

/TULSIDAS C PATEL/
Supervisory Patent Examiner.Art Unit 2839



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of
Chong et al.
Application No. 12/158,658
Filed: December 22, 2008
Attorney Docket No. 3485-P10384US

:
:
: **DECISION ON PETITION**
: **TO WITHDRAW FROM RECORD**
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on January 26, 2011 the power of attorney to Morrison & Foerster LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/158,666	06/20/2008	Rudolf Aigner	03012/42185	9875
4743 7590 12/30/2010 MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 WILLIS TOWER CHICAGO, IL 60606-6357			EXAMINER SHIAO, REI TSANG	
			ART UNIT 1628	PAPER NUMBER
			NOTIFICATION DATE 12/30/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdoCKET@marshallip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 30 2010

MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

In re Application of: Rudolf Aigner	:	
Serial No: 12/158,666	:	DECISION
Filed: June 20, 2008	:	ON
Attorney Docket No: 03012/42185	:	PETITION
Title: METHOD AND DEVICE FOR THE	:	
SULFONATION OR SULFATION OF	:	
SULFONATABLE OR SULFATABLE	:	
ORGANIC SUBSTANCES AND FOR	:	
PERFORMING FASTER, STRONGLY	:	
EXOTHERMIC GAS/LIQUID REACTIONS	:	

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on October 7, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 371 and as such is subject to PCT unity of invention practice.

Applicant filed a claim set on June 20, 2008 which was subject to a restriction requirement on May 4, 2010.

In the restriction requirement of May 4, 2010, the examiner presented the three distinct inventions. The examiner also required a further election of a single species within the elected group.

On June 4, 2010, applicant elected I, Claims 1-12 (in part) with traverse. Laureth sulfate was elected as the species. Applicant traversed on three grounds. First, 37 CFR 1.475 explicitly states that claims such as those presented in the application under consideration will be considered to have unity of invention. Second, the claims do in fact share a special technical

feature that define over the prior art. Third, the election of species requirement as to Groups II and III is *prima facie* deficient.

On August 5, 2010, a non-final Office action was mailed. On September 3, 2010, a subsequent non-final Office action was mailed (which replaced the August 5 action), the examiner maintained the restriction and made it Final. Claims 13-26 were withdrawn as directed to the non-elected invention.

On October 4, 2010, a telephonic interview was held to request reconsideration of the restriction requirement. The examiner refused to withdraw the restriction requirement.

On October 7, 2010, the present petition was filed requesting reconsideration of the restriction requirement.

DISCUSSION

The prosecution history has been carefully reviewed.

37 CFR 1.475(b)(1) states:

An international or national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories... (4) A process and an apparatus or means specifically designed for carrying out the said process.....

MPEP 1893.03(d) further explains what it means for an apparatus to be specifically designed for carrying out a process:

An apparatus or means is specially designed for carrying out the process when the apparatus or means is suitable for carrying out the process with the technical relationship being present between the claimed apparatus or means and the claimed process. The expression specially designed does not imply that the apparatus or means could not be used for carrying out another process, nor does it imply that the process could not be carried out using an alternative apparatus or means.

The review shows that Groups are related as process and apparatus. The apparatus is specially designed for carrying out the process because the apparatus is suitable for carrying out the process with the technical relationship being present between the claimed apparatus and the claimed process. The special technical feature appears to be a first feed location for SO₃/air mixture and a second SO₃/air mixture downstream of the first feed location. Examiner cited a reference, Ando et al. CAS: 132:295435 to break the unity of invention. However, Ando et al simply directed to cleaning an apparatus for sulfonation or sulfation of organic compounds and is irrelevant to the claims at issue. The Pisoni, US 5,445,801 used in the 103 rejection, does not disclose the claimed process or a similar reactor. The examiner agreed to withdraw the rejection in the telephonic interview held on October 4, 2010. Thus, the special technical feature between the process and apparatus is not disclosed in any of the prior art of record. The examiner failed to make out a *prima facie* case based on lack of a special technical feature, the restriction requirement is improper.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The application is being forwarded to examiner for further prosecution after mailing of this decision. All claims are under examination.

Should there be any questions about this decision, please contact Supervisory Patent examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in cursive script, appearing to read "Remy C. Yucel, for".

Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH NY 10510-9227

MAILED

MAR 30 2011

PCT LEGAL ADMINISTRATION

In re Application of
FÜRHOFF, Achim et al.
Application No.: 12/158,770
PCT No.: PCT/DE2006/002259
Int. Filing Date: 15 December 2006
Priority Date: 20 December 2005
Docket No.: 73016
For: SELECTION DEVICE FOR SHIFTING A
VEHICLE TRANSMISSION

:
:
:
:
:
:
:
:
:

DECISION

ON PETITION UNDER

37 CFR 1.181

Applicant's Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance and filing receipt, filed in the above-captioned application on 01 October 2008 is **GRANTED**.

The 4.17 declaration supplied during the international phase and complies with 37 CFR 1.497(a)-(b). The Notification of Missing Requirements indicating that an oath or declaration of the inventors was required was in error. The Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration mailed 28 August 2008 is **VACATED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 23 September 2008 indicating a 35 USC 371(c)(1), (c)(2) and (c)(4) date and a all 35 USC 371 requirements date of 08 September 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision, including mailing of a corrected Notification of Acceptance and filing receipt reflecting 35 USC 371 completion dates of 23 June 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

SEP 07 2011

OFFICE OF PETITIONS

In re Application of :
Fraser, et al. :
Application No. 12/158,817 : DECISION
Filed/Deposited: 23 December, 2008 :
Attorney Docket No. 213202-00599 :

This is a decision on the petition filed on 2 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 4 January, 2011, with reply due absent extension of time on or before 4 April, 2011.

The application went abandoned by operation of law after midnight 4 April, 2011.

It does not appear that the Office mailed a Notice of Abandonment before a petition was filed.

On 2 August, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with a reply in the form of, *inter alia*, a continuation application (an averment, but no copy of the filing acknowledgment enclosed), and made the statement of unintentional delay. Petitioner also appeared to have submitted after the expiration of the statutory period a request and fee for extension of time, which Petitioner as one registered to practice before the Office knew or should have known was not proper—and the fee is refunded by deposit account. Should Petitioner later find that the fee was not refunded, Petitioner should include a copy of this decision in the request to the Office of Finance.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/158,817

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**—the application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

The instant application is released to the Technology Center/AU 2881 for such processing as required in due course exclusively for the purpose of documenting continuity.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

S/N 12/158,855

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Anderson et al.	Examiner:	Unknown
Serial No.:	12/158,855	Group Art Unit:	Unknown
Filed:	June 23, 2008	Docket:	1842.232US1
Customer No.:	70648	Confirmation No.:	1138
Title:	<u>TRANSIENT OR PERSISTENT GAME PLAY IN WAGERING GAMES</u>		

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby petition the Commissioner to advance the above-identified Application out of turn for accelerated examination under the provisions of 37 C.F.R. § 1.102(d). The basis under which special status is sought is the express abandonment of copending application serial no. 12/282,817 under the Patent Application Backlog Reduction Stimulus Plan.¹ In support of the Petition to Make Special, Applicants make the following statements:

1. The application for which special status is sought has an actual filing date before October 1, 2009, based on a National Stage Filing of International Patent Application Serial No. PCT/US2006/046483 filed on December 6, 2006.
2. A copy of the Letter of Express Abandonment of application 12/282,817, including statements accompanying the express abandonment is submitted herewith.
3. The application 12/158,855 that is the subject of this Petition to Make Special and application 12/282,817 that has been expressly abandoned are both commonly owned and assigned to WMS Gaming Inc.
4. Applicants certify that they have not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan.

¹ See 75 Fed. Reg. 71072 and 75 Fed Reg. 36063.

5. Applicants agree to make an election without traverse in a telephonic interview if the United States Patent and Trademark Office determines that the claims of application 12/158,855 are directed to two or more independent and distinct inventions.


6. Applicants understand that the petition fee set forth in 37 C.F.R. § 1.17(h), which is normally required pursuant to 37 C.F.R. § 1.102(d) has been waived by the United States Patent and Trademark Office. However, if any fees are necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402-0938
(612) 373-6900

Date February 4, 2011

By



Rodney L. Lacy
Reg. No. 41,136



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of	:	
ANDERSON, et al.	:	DECISION ON PETITION
Application No. 12/158,855	:	TO MAKE SPECIAL
35 U.S.C. 371 Date: June 23, 2008	:	37 CFR 1.102
Int. Appl. No.: PCT/US2006/46483	:	
Int. File Date: December 6, 2006	:	
Attorney Docket No. 1842.232US1	:	

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

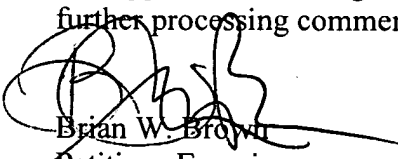
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

In re Application of: GEISS, Gary, K., et al. :
U.S. Application No.: 12/158,953 :
PCT No.: PCT/US2006/049274 :
International Filing Date: 22 December 2006 :
Priority Date: 23 December 2005 :
Attorney's Docket No.: 690142.402USPC :
For: NANOREPORTERS AND METHODS :
OF MANUFACTURING AND USE :
THEREOF :

DECISION ON PETITION UNDER
37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 C.F.R. § 1.47(a) To Accept Application When Joint Inventor Refuses To Join Or Cannot Be Reached" filed 20 March 2009. Deposit Account No. 19-1090 will be charged the required \$200 petition fee.

BACKGROUND

On 22 December 2006, applicants filed international application PCT/US2006/049274. The international application claimed a priority date of 23 December 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 June 2008.

On 23 June 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 21 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, the search and examination fees, and additional claims fees.

On 20 March 2009, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge, search and examination fees, and claims fee, a declaration executed by three of the four inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor Krassen M. DIMITROV, whom applicants assert has refused to execute the application.

On 09 October 2009, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c), including the declaration requirement of 35 U.S.C. 371(c)(4), were satisfied as of 20 March 2009.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Procedure (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Krassen M. DIMITROV. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

... When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in

the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Here, applicants have provided a firsthand statement from William T. Christiansen indicating that he forwarded a request for signature, accompanied by a copy of the complete application, to the then-attorney for the non-signing inventor via email and that the attorney for the non-signing inventor responded with an email indicating that, due to an ongoing dispute regarding inventorship, the non-signing inventor refused to execute the declaration. The statement also indicates that Mr. Christiansen subsequently received an email from the non-signing inventor directly in which the inventor stated that he was no longer represented by his prior attorney. Mr. Christensen indicates that he responded to this email with another email inquiring if the inventor would sign the declaration, and that he received no response to this email prior to the filing of the petition.

The petition does not, however, include any documents in support of Mr. Christensen's statement, as required (i.e., copies of the emails referred to therein, including the email from the inventor's then-attorney containing a statement that the inventor refused to sign the declaration). Applicants must provide supplemental materials to confirm that the non-signing inventor has been provided with a request for signature, accompanied by a copy of the complete application, and that the non-signing inventor refuses to execute the declaration. Such materials should include a firsthand statement(s) with supporting documents, including copies of applicants' correspondence with the non-signing inventor and his then-attorney.

Until such additional materials are provided, item (4) of a grantable petition under 37 CFR 1.47(a) is not considered satisfied.¹

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

¹ It is noted that the, on 19 November 2009, the non-signing inventor filed a letter in the present application, with copies of correspondence, asserting his position that the three other named inventors are not proper inventors on the claims pending in the application.

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

NOV 22 2011

PCT LEGAL ADMINISTRATION

In re Application of: GEISS, Gary, K., et al. :
U.S. Application No.: 12/158,953 :
PCT No.: PCT/US2006/049274 :
International Filing Date: 22 December 2006 :
Priority Date: 23 December 2005 :
Attorney's Docket No.: 690142.402USPC :
For: NANOREPORTERS AND METHODS :
OF MANUFACTURING AND USE :
THEREOF :

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition For Filing Patent Application When An Inventor Refuses To Execute Under 37 C.F.R. §1.47(a)" filed 03 October 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 12 August 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor refuse to execute the application or cannot be reached after diligent effort.

On 03 October 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes a supplemental statement from William T. Christiansen accompanied by supporting documents, including copies of correspondence from the non-signing inventor. These materials provide an acceptable showing that, in addition to other requests, a request for signature on the declaration, accompanied by a copy of the complete application, was delivered to the non-signing inventor in August 2011 and that the non-signing inventor has refused to provide the signed declaration in response to such request. These materials (in combination with those previously submitted) provide an acceptable showing that the non-signing inventor has refused to execute the declaration.

The showing that the non-signing inventor has refused to execute the declaration satisfies the final outstanding element of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Krassen M. DIMITROV

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 March 2011, as set forth on the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed on 09 October 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Krassen M. DIMITROV
39 Meiers Road
Indooroopilly QLD 4068
AUSTRALIA

MAILED

NOV 22 2011

PCT LEGAL ADMINISTRATION

In re Application of: GEISS, Gary, K., et al.
U.S. Application No.: 12/158,953
PCT No.: PCT/US2006/049274
International Filing Date: 22 December 2006
Priority Date: 23 December 2005
Attorney's Docket No.: 690142.402USPC
For: NANOREPORTERS AND METHODS OF MANUFACTURING AND USE
THEREOF

Dear Dr. DIMITROV:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:

Matthew Pavao
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/158,978	06/23/2008	Victor M.G. Van Acht	00 2207 US1	1757
65913 7590 11/14/2011 Intellectual Property and Licensing NXP B.V. 411 East Plumeria Drive, MS41 SAN JOSE, CA 95134			EXAMINER MERCADO, RAMON A	
			ART UNIT 2186	PAPER NUMBER
			NOTIFICATION DATE 11/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
SAN JOSE CA 95134

In re Application of: VAN ACHT et al.
Application No. 12/158,978
Filed: June 23, 2008
Attorney Docket Number: 00 2207 US1
For: **NON-VOLATILE MEMORY WITH
BLOCK ERASABLE LOCATIONS**

**DECISION ON PETITION TO
WITHDRAW THE FINALITY OF
AN OFFICE ACTION**

This paper provides the decision on the petition filed August 23, 2011 under 37 C.F.R. § 1.181 and M.P.E.P. § 706.07 to withdraw the finality of the Office action, mailed June 23, 2011.

The Petition is **GRANTED**.

Applicable Prosecution History

June 23, 2008	Application filed.
December 21, 2010	First Office action on the merits (FAOM) was mailed. Claims 1-14 were pending in the application. In the Office action, all claims 1 – 14 were rejected over art. In particular, claims 8-10 were rejected under 35 USC 103(a) as being unpatentable over Kim et al. (IEEE Tans. Consumer Electronics 2002), and claim 10 was rejected under 35 USC 112 First and Second paragraphs.
March 21, 2011	Applicant replied to the First Office action, with remarks and amendment. The amendment amended claim 10 to overcome the 35 USC 112 rejections, and added new claims 15-17. Claims 8-9 were not amended. Applicants argued that: Regarding claim 8, the Office Action explains that the Kim reference fails to disclose " a final pointer in the chain pointing to a block from the subset. " Regarding claim 9, the Office Action explains that the Kim reference fails to teach " a final pointer in the chain pointing to a block containing at least part of a mapping table for mapping logical addresses to respective ones

of the blocks or groups of blocks, the pointing information comprising at least one of the pointers." For each claim, the Office Action goes on to assert that the Kim reference discloses a "mapping table, stored in the map blocks ..." and concludes that one of skill in the art would have modified such a mapping table to correspond as asserted.

June 23, 2011 Examiner issued a final Office action. In the final Office action the examiner maintained the rejection of claims 8 & 9. However in responding to Applicants arguments (sections of which have been cited above), examiner relied on a new reference to Robert Sedgewick (1998. Algorithms in C++, Parts 1-4: Fundamentals, Data Structure, Sorting, Searching, Third Edition (Third ed.). Addison-Wesley Professional), to "clarify" the rejections made and maintained of claims 8 and 9.

August 23, 2011 Instant Petition filed, requesting withdrawal of the finality of the office action mailed on June 23, 2011.

RELIEF REQUESTED

The Applicant respectfully that the finality of the office action mailed on June 23, 2011 be withdrawn.

RULES AND PROCEDURE

MPEP 706.07 sets forth that the examiner should never lose sight of the fact that in every case the applicant is entitled to a fair and full hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal; and that in making the final rejection, they [the grounds of rejection] must be clearly developed to such an extent that applicant may readily judge the advisability of appeal unless a single previous Office action contains a complete statement supporting the rejection.

706.07(a) [R-6] Final Rejection, When Proper on Second Action

.....
Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

MPEP 707.07(f) [R-3] Answer All Material Traversed, states in part:

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.....

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

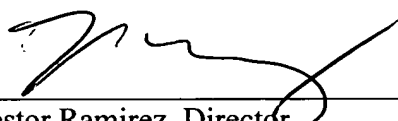
DECISION

Petitioner contends that the examiner, has relied solely on the new reference to Sedgwick to disclose the limitations that were challenged by the applicants in their response, filed on March 21, 2011, to the First Action on the Merits. Petitioners argue that Examiner has addressed these limitations fully only in the Response to Arguments section, and not in the actual rejection of the claims. Per the Petitioners, the examiner has in effect introduced new grounds of rejection, since examiner is relying on a secondary reference (Sedgwick) to teach the limitations challenged by the Applicants, and not on reference to Kim which is the only reference relied on, in the rejections of claims 8 and 9.

A review of the file record and the final office action mailed on June 23, 2011, indicates that the rejections to claims 8 and 9 under 103 (a) over Kim should have included the Sedgwick reference as a secondary reference to fully address all the limitations of claims 8 and 9.

For the above stated reasons, the petition is **GRANTED**.

The finality of Office action mailed on June 23, 2011 is hereby withdrawn and the office action is changed to non-final Office action. The Application is being forwarded to the Examiner of record, to consider the response filed on August 23, 2011



Nestor Ramirez, Director
Technology Center 2100
Computer Architecture, Software, and Information Security



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY SHARPE, LLP
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

MAILED
APR 29 2011
OFFICE OF PETITIONS

In re Application of :
Young Bae Ku, et al. :
Application No. 12/159,215 : DECISION GRANTING PETITION
Filed: June 26, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BKLK 200003US01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 30, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fina Technology Inc.
P. O. Box 674412
Houston, TX 77267-4412

In re Application of: :
DEWACHTER et al. :
U.S. Application No. 12/159,302 :
PCT No.: PCT/EP2006/012534 :
Int. Filing Date: 27 December 2006 :
Priority Date: 30 December 2005 :
Attorney Docket No.: F-973 :
For: DYNAMIC PRESSURE CONTROL IN :
DOUBLE LOOP REACTOR :

DECISION ON PETITION
UNDER
37 CFR 1.182

This decision is issued in response to applicant's "Petition to Correct International Application Number under 37 CFR 1.182" filed 23 August 2010. The petition seeks to correct the bibliographic data (international application number) for the national stage application papers filed 26 June 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2006/012534. The required \$400 petition has been submitted.

BACKGROUND

On 26 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, inter alia, an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US2006/012534. The ADS indicated the international application number as PCT/EP2006/012534.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2006/012534, the international application number set forth in the bibliographic data provided by applicants when filing the electronic application.

On 28 May 2010, the United States Designated/Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 22 July 2010, applicant was mailed a "Notification and Decision on Petition under 37 CFR 1.181" detailing the discrepancy between international application numbers

on the Electronic Acknowledgment Receipt and other filing papers such as the Application Data Sheet.

On 23 August 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2006/012534. An examination of the originally filed papers finds that the correct international application number was listed on the Application Data Sheet filed 26 June 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 26 June 2008 and to permit such materials to be treated as having been directed to international application PCT/EP2006/012534.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed on 28 May 2010, based on the purported failure to file a copy of the international application is therefore appropriately VACATED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2006/012534.

This application is being forwarded to the United States Designated/Elected Office for further processing.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-48

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
ORON, Ram et al. :
Application No. 12/159,412 : **NOTICE**
Filed: December 17, 2008 :
Attorney Docket No. **255219-000019USPX** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 07, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Yuzo Komatsu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12159439

Filed : 27-Jun-2008

Attorney Docket No : Q108759

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 14, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1626 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12159439	
Filing Date	27-Jun-2008	
First Named Inventor	Yuzo Komatsu	
Art Unit	1626	
Examiner Name	REBECCA ANDERSON	
Attorney Docket Number	Q108759	
Title	PROCESS FOR PREPARING HETEROAROMATIC RING COMPOUND HAVING N-RF GROUP	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Abraham J. Rosner/
Name	Abraham J. Rosner
Registration Number	33276



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300**

**MAILED
FEB 09 2012
OFFICE OF PETITIONS**

**In re Application of
Masanori Uematsu
Application No.: 12/159,446
Filed: August 5, 2010
Attorney Docket No.: 037209.60453US**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 25, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;

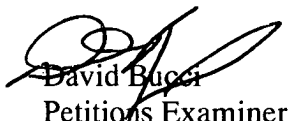
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.


David Buccer
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
9P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 23 2011

PCT LEGAL ADMINISTRATION

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Application of :
HARTMANN, Horst, et al. :
Application No.: 12/159,520 :
PCT No.: PCT/DE2006/002330 :
Int. Filing Date: 22 December 2006 :
Priority Date: 28 December 2005 :
Attorney Docket No.: 17346-0048 :
For: USE OF METAL COMPLEXES AS :
EMITTER IN AN ORGANIC LIGHT- :
EMITTING COMPONENT AND SUCH :
A COMPONENT :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 25 July 2011.

BACKGROUND

On 14 September 2009, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the above application was a national phase entry of PCT/US06/002330 and had satisfied the requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) and under all of 35 USC 371 on 10 November 2008.

On 25 July 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. In the original filing, application entered electronic data indicating the papers were intended as the national phase entry of PCT/US06/002330, while papers indicated they were national phase entry for PCT/DE2006/002330.

Applicant now indicates that this application was intended to be the national phase of PCT/DE2006/002330. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/DE2006/002330.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 14 September 2009 is **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including issuance of a corrected Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. After issuance of the corrected Notification of Acceptance, DO/EO should refer the application to Publications for republication.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Tania Porsgaard Bayer	:	
Application No. 12/159,524	:	ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. 030307-0353	:	

This is in response to the petition under 37 CFR 1.182 to change the inventor's name, filed August 24, 2011.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name from Tania Kjolhede Porsgaard to Tania Porsgaard Bayer.

The application is being forwarded to Group Art Unit 1789.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 10/04/10

Patent No. : 7747683 B2
Ser. No. : 12/159,553
Inventor(s) : FRIEDLER, ASSAF
Issued : 06/29/10
Title : **METHOD AND SYSTEM FOR OPERATING APPLICATIONS FOR
REMOTE TERMINAL DEVICES**
Docket No. : 73381.000007

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/12/11

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 12159582 Patent No.: 8008205

CofC mailroom date: 12/01/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

For more information, SPE response to 571-273-3421

Note: Should the Foreign Application Priority Data be added?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

xApproved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: Priority document need to be scanned into the file.

/Thao X. Le/

2892

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/16/2011

TO SPE OF : ART UNIT 1733

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/159615 Patent No.: 7976723 B2

CofC mailroom date: 11/11/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Roy Van Cing
SPE

1733
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 13,2011

In re Application of :

Craig Hardy

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12159623

Filed : 20-Nov-2008

Attorney Docket No : W004 P1708-US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 13,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1623 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12159623	
Filing Date	20-Nov-2008	
First Named Inventor	Craig Hardy	
Art Unit	1623	
Examiner Name	PATRICK LEWIS	
Attorney Docket Number	W004 P1708-US	
Title	HEMOSTATIC MATERIAL	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/stephen holmes/
Name	Stephen Holmes
Registration Number	34621

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-16-11

TO SPE OF : ART UNIT 2472

SUBJECT : Request for Certificate of Correction for Appl. No.: 12159725 Patent No.: 7864684

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: All the changes are OK. New matter was introduced, and the scope or meaning of the claims has not changed.

/Hassan Kizou/



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET, SUITE 2100
SAN DIEGO, CA 92101

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
David E. DUDAS, et al	:	
Application No. 12/159,736	:	DECISION ON PETITION
Filed: January 29, 2009	:	TO WITHDRAW
Attorney Docket No. 113506-009USA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed August 16, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Richard E. Campbell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

APR 03 2012

OFFICE OF PETITIONS

In re Patent No. 8,129,411	:
Issued: March 6, 2012	: DECISION ON REQUEST
Application No. 12/159,749	: FOR RECONSIDERATION
Filed: June 30, 2008	: OF PATENT TERM ADJUSTMENT
Attorney Docket No. 34788-US-PCT	

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (37 C.F.R. § 1.705(d)) filed on March 13, 2012, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 590 to 801 days.

The petition to correct the patent term adjustment is **DISMISSED**.

BACKGROUND

On March 6, 2012, the above-identified application matured into U.S. Patent No. 8,129,411, with a revised patent term adjustment of 801 days. On March 13, 2012, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 801. Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that "In accordance with the Basis discussed herein, Patentee respectfully submits that the correct patent term adjustment is 801 days. The time consumed by continued examination was only from the date the RCE was filed to the date when the Second Notice of Allowance was mailed, i.e., the post-examination activity that followed the Second Notice of Allowance was not "Time Consumed by Examination." Under this Basis, Patentee respectfully requests that the PTA of the '411 Patent be changed from 590 days to 801 days, because, contrary to 35 U.S.C. ~ 154(b)(1)(B), the Office improperly ceased the accrual

of "B Delay" from the filing date of the RCE, despite that certain periods of time thereafter were not consumed by continued examination.

Thus, Patentee argues no continued examination took place during the 225 day period from July 25, 2011 (the mailing date of the Second Notice of Allowance) until March 6, 2012 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 225 days and be increased from 0 to 225 days. Patentee concludes that the correct patent term adjustment is 801 days (the sum of 576 + 14 days of "A delay" and 225 days of "B delay" minus 14 days of overlap and minus 0 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on June 30, 2008 and the patent not having issued as of the day after the three year date, June 30, 2011, and a request for continued examination under 132(b) having been filed on June 29, 2011. In other words, the 225-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

- (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (2) Abandonment of the application; or
- (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a

notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35

U.S.C. 132 (“[w]henver, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application”). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO’s responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO’s duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) (“[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned”). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

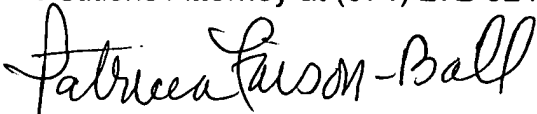
In this instance, a request for continued examination was filed on June 29, 2011, and the patent issued by virtue of that request on March 6, 2012. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on June 29, 2011 and ending on March 6, 2012 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 590 days indicated on the patent is correct.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Virginie Petrilli et al. :
Application No. 12/159,842 :
Filed: July 1, 2008 :
Attorney Docket No. **2912956-** :
005000

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 24, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

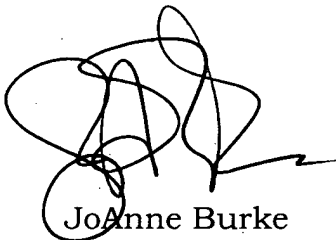
This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing Application No. 13/175,266.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent

Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

A handwritten signature in black ink, appearing to be 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Miller, Canfield, Paddock and Stone, P.L.C.
c/o Robert Kelley Roth
150 West Jefferson Avenue
Suite 2500
Detroit, MI 48226

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Alan R. Pfaff, Jr.	:	
Application No. 12/159,872	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. 123869-00006	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard Gaffin on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Alan R. Pfaff, Jr. at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Eagle Rotary Systems, Inc.**
Alan R. Pfaff, Jr.
1710 East High Street
Jackson, MI 49203



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/159,872	07/02/2008	Alan R. Pfaff JR.	123869-00006

CONFIRMATION NO. 3623

POWER OF ATTORNEY NOTICE



OC000000045482271

Miller, Canfield, Paddock and Stone, P.L.C.
c/o Robert Kelley Roth
150 West Jefferson Avenue
Suite 2500
Detroit, MI 48226

Date Mailed: 01/14/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/16/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 13 2010

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re application of:	:	DECISION ON REQUEST TO
Cho, Hong-Goo	:	PARTICIPATE IN PATENT
Application No.: 12/159,900	:	PROSECUTION HIGHWAY
Filed: July 2, 2008	:	PROGRAM AND PETITION
For: ADVERTISEMENT PROVIDING SYSTEM:	:	TO MAKE SPECIAL UNDER
AND AN ADVERTISEMENT PROVIDING :	:	37 C.F.R. 1.102(d)
METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program between the USPTO and the KIPO and the petition under 37 C.F.R. § 1.102(d), filed May 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH program and petition to make special, at the date of the request, require:

- (1) The U.S. application must validly claim priority under 35 USC 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KIPO application(s);
- (4) Examination of the U.S. application for which participation in the PPH program is requested has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the KIPO application(s) containing the allowable/patentable claim(s)

along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

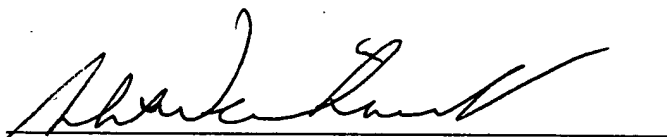
(7) The required petition fee under 37 CFR 1.17(h).

In light of the petition, the corresponding preliminary amendment filed May 20, 2010, and the IDS filed July 2, 2008, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/8/12/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARGILL & ASSOCIATES, P.L.L.C.
56 MACOMB PLACE
MT. CLEMENS, MI 48043

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Adolf Hetke :
Application No. 12/159,924 :
Filed: July 2, 2008 :
Attorney Docket No. ACT P-301US :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 6, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Cargill & Associates, P.L.L.C. has been revoked by the applicant of the patent application on December 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Adolf Hetke
154 Hawthorne Drive
Brooklyn, NY 49230-8924



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/159,924	07/02/2008	Adolf Hetke	ACT P-301US

25686
CARGILL & ASSOCIATES, P.L.L.C.
56 MACOMB PLACE
MT. CLEMENS, MI 48043

CONFIRMATION NO. 4236
POWER OF ATTORNEY NOTICE



Date Mailed: 01/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/21/2010.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sleutchit/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Mao-Jung Maurice Lien	:	DECISION ON PETITION
Application No. 12/159,952	:	TO WITHDRAW
Filed: December 19, 2008	:	FROM RECORD
Attorney Docket No. M006-7011USO	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 18, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because (1) the change of correspondence address is considered improper and (2) the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Declaration and Power of Attorney filed December 19, 2008.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

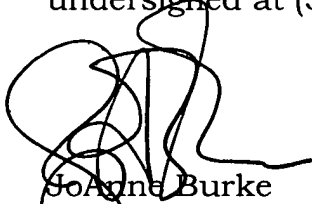
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to

the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Mao-Jung Maurice Lien	:	DECISION ON PETITION
Application No. 12/159,952	:	TO WITHDRAW
Filed: December 19, 2008	:	FROM RECORD
Attorney Docket No. M006-7011USO	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

As state in the previous decision of August 1, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to

the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Mao-Jung Maurice Lien	:	
Application No. 12/159,952	:	DECISION ON PETITION
Filed: December 19, 2008	:	TO WITHDRAW
Attorney Docket No. M006-7011USO	:	FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

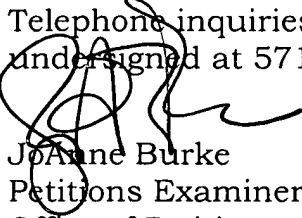
The request was signed by John A. Rissman on behalf of all attorneys of record who are associated with Customer Number 21127.

All attorneys/agents associated with Customer Number 21127 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Mao-Jung Maurice Lien at the address indicated below.

There is an outstanding Office action mailed April 25, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Mao-Jung Maurice Lien
23017 122A Avenue
Maple Ridge, British Columbia, V2X 0X3 Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/159,952	12/19/2008	Mao-Jung Maurice Lien	M006-7011US0

CONFIRMATION NO. 4511

POWER OF ATTORNEY NOTICE



21127
RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON, MA 02114

Date Mailed: 09/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 06/03/11

Patent No. : 7,881,900 B2
Ser. No. : 12/159,976
Inventor(s) : Kitamura , et al.
Issued : February 1, 2011
Title : Acceleration measuring device
Docket No. : 04208.0270

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

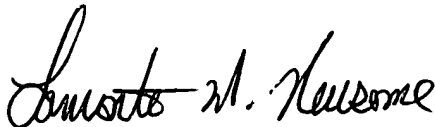
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

LMN



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED
AUG 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Kitamura et al.	:	
Application No. 12/159,976	:	
In re Patent No. 7,881,900	:	DECISION ON PETITION
Filing Date: July 2, 2008	:	PURSUANT TO 37 C.F.R.
Issue Date: February 1, 2011	:	§ 3.81(B)
Attorney Docket Number:	:	
10996.0270-00000	:	
Title: ACCELERATION MEASURING	:	
DEVICE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed July 29, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED** to the extent that a Certificate of Correction will be issued, correcting the Assignee information to "Asahi Kasei EMD Corporation."

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Asahi Kasei Emd Corporation" to "Asahi Kasei EMD Corporation."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth

in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on July 2, 2008, listing Asahi Kasei EMD Corporation as the Assignee.

Payment of the required \$100 certificate of correction fee and the \$130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Asahi Kasei EMD Corporation."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11/5/2012

Patent No. :8043506
Ser. No. :12/159986
Inventor(s) :Robertus Johannes Franklin et al.
Issued :10/25/11
Title :PROCESS AND REACTOR FOR ANAEROBIC WASTE WATER
PURIFICATION
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

KATE H. MURASHIGE
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
San Diego, California 92130-2040

HR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040**

**MAILED
MAR 16 2012
OFFICE OF PETITIONS**

In re Patent No. 8,043,506 :
Issue Date: October 25, 2011 :
Application No. 12/159,986 :
Filed: July 2, 2008 :
Attorney Docket No. 313632004500 :

ON PETITION

This is a decision on the petition filed February 17, 2012, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,002	12/03/2008	Thomas Steven Hulbert	357281.00002	5316
78905 7590 08/30/2010 Saul Ewing LLP (Philadelphia) Attn: Patent Docket Clerk Penn National Insurance Plaza 2 North Second St., 7th Floor Harrisburg, PA 17101			EXAMINER RHU, KRIS M	
			ART UNIT 2184	PAPER NUMBER
			MAIL DATE 08/30/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Saul Ewing LLP
Attn: Patent Docket Clerk
2 North Second Street
Harrisburg, PA 17101

In re Application of: Hulbert T.
Application No. 12/160,002
Filed: July 3, 2008
For: A portable, computer peripheral
apparatus including a universal serial bus
(USB) connector.

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PILOT
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 14, 2010 to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either
 - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the UKIPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims,
 - Or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - (i) validly claims priority to an application filed in the UKIPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim,
 - Or

- (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - (i) validly claims priority to an application filed in the UKIPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim.

Where the UKIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the UKIPO application that contains the allowable/patentable claims and the UKIPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the UKIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s) and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action: i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the UKIPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the UKIPO application is a first action allowance then no office action from the UKIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the UKIPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the UKIPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

 ~~(7) The required petition fee under 37 CFR 1.17(h).~~

The request to participate in the PPH pilot program and petition fail to include:

A. Items 4 above. Specifically, a First Action on the Merits was mailed in this application on July 7, 2010.

Therefore, the Petition is **DENIED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,029	11/28/2008	Tomonori Nakada	MNL-5282-2	5751
7590 11/29/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER NGUYEN, HOA T	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			11/29/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: AA 1762 US

Application Number
(if known): 12160068

Filing date: 2008-10-28

First Named
Inventor: David Bergeal

Title: Exhaust System Comprising Zoned Oxidation Catalyst

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Stephen J. Driscoll/

Date 2011-01-26

Name Stephen J. Driscoll
(Print/Typed)

Registration Number 37564

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.



*Total of ¹ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,068	10/28/2008	David Bergeal	AA 1762 US	6185
95567	7590	02/04/2011		
RatnerPrestia (JM)			EXAMINER	
P.O. Box 980			DUONG, THANH P	
Valley Forge, PA 19482-0980			ART UNIT	PAPER NUMBER
			1774	
			MAIL DATE	DELIVERY MODE
			02/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

2/4/2011

In re Application of
David Bergeal et al.
Application No. 12/160,068
Filed: July 03, 2008
Attorney Docket No. AA 1762 US

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status; i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 7 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the \$300 early publication fee in accordance with this notice.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of
Rene Vinci
Application No. 12/160,103
Filed: September 3, 2008
Attorney Docket No. 1429-251

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 19, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 20, 2011. A Notice of Abandonment was mailed on July 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3736 for appropriate action by the Examiner in the normal course of business on the reply received October 10, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

In re Application of GODIN	:	
U.S. Application No.: 12/160,118	:	
PCT Application No.: PCT/US2006/001181	:	
Int. Filing Date: 13 January 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: BIO0010-100	:	
For: ARTICLE AND METHOD FOR	:	
MEASURING OPENINGS IN LUMENS	:	

This is in response to applicant's request for refund filed 19 September 2008.

BACKGROUND

On 13 January 2006, applicant filed international application PCT/US2006/001181. The thirty-month period for paying the basic national fee in the United States expired on 14 July 2008.

On 07 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the large entity basic national fee required by 35 U.S.C. 371(c)(1).

On 19 September 2008, applicant filed the present request for refund under 37 CFR 1.28.

DISCUSSION

37 CFR 1.28 provides that a refund based on establishment of small entity status is available if requested within three months of payment of the full fee. In the present case, the request for refund was filed within three months of payment of the large entity fee. Accordingly, a refund is appropriate.

The 19 September 2008 correspondence also requests reconsideration of a dismissal of a petition for express abandonment filed on 04 August 2008. Applicant is advised that such petitions are applicable only to applications filed under 35 U.S.C. 111(a). Therefore, although

the reasoning contained in the dismissal was not accurate, the decision itself was proper and will not be vacated.

CONCLUSION

For the reasons above, the request under 37 CFR 1.28 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 January 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Marconnet-Decrane, et al. : DECISION ON APPLICATION
Application No. 12/160,124 : FOR
Filed: July 7, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. PRD2571USPCT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(b)", filed December 6, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected to four hundred and fifty-nine days (459) days.

The application for patent term adjustment is **GRANTED.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is four hundred and fifty-nine days (459). A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 11, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is four hundred and fifty-seven (457) days. On December 6, 2011, applicants timely submitted the instant application for patent term adjustment.

Applicants dispute the reduction of two (2) days for filing of a reply on June 27, 2011, three months and two days after a non-final Office action was mailed on March 25, 2011. Applicants contend that pursuant to the decision in *Argyle, Inc. v. Kappos*, No. 10-1904, slip op. (D.D.C. June 22, 2011), the reduction to the patent term adjustment of two days was improper because the

reply filed June 27, 2011, is subject to the weekend/holiday exception specified in 35 U.S.C. § 21(b).

Applicants' contention is well taken. A review of the application file history reveals that the three month period after the mailing of the non-final Office action ended on Saturday, June 25, 2011. Thus, the response filed Monday, June 27, 2011, is a timely response for prosecution purposes and for purposes of calculating patent term adjustment and any applicable reductions thereto. Accordingly, the reduction of 2 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **four hundred and fifty-nine** (459 days of Office delay - 0 days of applicant delay = 459 days).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The address cited on the petition differs from the address of record. A courtesy copy of this petition is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

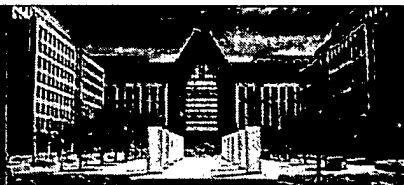
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Cc:
Toni-Junell Herbert
Patton Boggs, LLP
8484 West Park Drive
9th Floor
McLean, VA 22102



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12160124

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 12160124

Application Filing Date	07/07/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	459
A Delays	459	PTO Manual Adjustment	2
B Delays	0	Applicant Delay (APPL)	2
C Delays	0	Total PTA (days)	459

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
58	12/14/2011		P028	Adjustment of PTA Calculation by PTO	2	0	
48	10/11/2011		MN/ =.	Mail Notice of Allowance		0	
47	10/04/2011		OAR	Office Action Review		0	
46	10/04/2011		OAR	Office Action Review		0	
45	10/04/2011		IREV	Issue Revision Completed		0	
44	10/04/2011		DVER	Document Verification		0	
43	10/04/2011		N/ =.	Notice of Allowance Data Verification Completed		0	
42	10/04/2011		DOCK	Case Docketed to Examiner in GAU		0	
41	09/30/2011		EX.A	Examiner's Amendment Communication		0	
40	09/30/2011		CNTA	Allowability Notice		0	
36	07/12/2011		FWDX	Date Forwarded to Examiner		0	
34	07/11/2011		CRFE	CRF Is Good Technically / Entered into Database		0	
39	06/27/2011		IDSC	Information Disclosure Statement considered		0	
38	06/27/2011		RCAP	Reference capture on IDS		0	
37	06/27/2011	06/27/2011	M844	Information Disclosure Statement (IDS) Filed		35	
35	06/27/2011	06/25/2011	A...	Response after Non-Final Action	2	29	
33	06/27/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
31	03/25/2011		ELC_RVW	Electronic Review		0	
30	03/25/2011		EML_NTF	Email Notification		0	
29	03/25/2011		MCTNF	Mail Non-Final Rejection		0	
28	03/22/2011		OAR	Office Action Review		0	
27	03/20/2011		CTNF	Non-Final Rejection		0	
26	02/11/2011		FWDX	Date Forwarded to Examiner		0	
25	02/09/2011		ELC.	Response to Election / Restriction Filed		0	
24	02/09/2011		XT/G	Request for Extension of Time - Granted		0	
23	12/10/2010		ELC_RVW	Electronic Review		0	
22	12/10/2010		EML_NTF	Email Notification		0	
21	12/10/2010	09/07/2009	MCTRS	Mail Restriction Requirement	459	7	
20	12/06/2010		CTRS	Restriction/Election Requirement		0	
17	05/13/2010		DOCK	Case Docketed to Examiner in GAU		0	
16	07/10/2009		DOCK	Case Docketed to Examiner in GAU		0	
15	07/10/2009		DOCK	Case Docketed to Examiner in GAU		0	
14	07/01/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
10	06/04/2009		PG-ISSUE	PG-Pub Issue Notification		0	
9	03/11/2009		OIPE	Application Dispatched from OIPE		0	
8	03/06/2009		FLRCPT.C	Filing Receipt - Corrected		0	
6	02/23/2009		PGPC	Sent to Classification Contractor		0	
5	02/23/2009		FLRCPT.O	Filing Receipt		0	
4	02/23/2009		M903	Notice of DO/EO Acceptance Mailed		0	
13	07/07/2008		C604	Substitute Specification Filed		0	
12	07/07/2008		RQPR	Request for Foreign Priority (Priority Papers May Be Included)		0	
11	07/07/2008		A.PE	Preliminary Amendment		0	
7	07/07/2008		371COMP	371 Completion Date		0	
3	07/07/2008		L194	Cleared by OIPE CSR		0	
2	07/07/2008		SCAN	IFW Scan & PACR Auto Security Review		0	
1	07/07/2008		IEXX	Initial Exam Team nn		0	
0.5	01/16/2007		NEFILE	International Filing date		0	

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Angibaud, et al. : DECISION ON APPLICATION
Application No. 12/160,133 : FOR
Filed: July 7, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. PRD2572USPCT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(b)", filed December 6, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected to fifty-five (55) days.

The application for patent term adjustment is **GRANTED.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is fifty-five (55). A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 6, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is fifty-four (54) days. On December 6, 2011, applicants timely submitted the instant application for patent term adjustment.

Applicants dispute the reduction of one (1) day for filing of a reply on May 24, 2010, three months and one day after a Notice of Allowance and Issue Fee Due was mailed on February 23, 2010. Applicants contend that pursuant to the decision in *Arqule, Inc. v. Kappos*, No. 10-1904, slip op. (D.D.C. June 22, 2011), the reduction to the patent term adjustment of one day was improper

because the reply filed May 24, 2010, is subject to the weekend/holiday exception specified in 35 U.S.C. § 21(b).

Applicants' contention is well taken. A review of the application file history reveals that the three month period after the mailing of the Notice of Allowance and Issue Fee Due ended on Sunday, May 23, 2010. Thus, the response filed Monday, May 24, 2010, is a timely response for prosecution purposes and for purposes of calculating patent term adjustment and any applicable reductions thereto. Accordingly, the reduction of 1 day is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **four hundred and fifty-five** (55 days of Office delay - 0 days of applicant delay = 55 days).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The address cited on the petition differs from the address of record. A courtesy copy of this petition is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Cc:
Toni-Junell Herbert
Patton Boggs, LLP
8484 West Park Drive
9th Floor
McLean, VA 22102



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12160133

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 12160133

Application Filing Date	07/07/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	55
A Delays	55	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	1
C Delays	0	Total PTA (days)	55

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
88	12/14/2011		P028	Adjustment of PTA Calculation by PTO	1	0	
78	09/06/2011		MN/=.	Mail Notice of Allowance		0	
77	09/01/2011		IREV	Issue Revision Completed		0	
76	09/01/2011		DVER	Document Verification		0	
75	09/01/2011		OAR	Office Action Review		0	
74	09/01/2011		N/=.	Notice of Allowance Data Verification Completed		0	
73	08/29/2011		CNTA	Allowability Notice		0	
68	07/07/2011		ABN9	Disposal for a RCE / CPA / R129		0	
72	06/30/2011		IDSC	Information Disclosure Statement considered		0	
71	06/30/2011		RCAP	Reference capture on IDS		0	
70	06/30/2011		M844	Information Disclosure Statement (IDS) Filed		0	
69	06/30/2011		RCEX	Request for Continued Examination (RCE)		0	
67	06/30/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
66	06/30/2011		BRCE	Workflow - Request for RCE - Begin		0	
65	04/14/2011		CRFT	Sequence Forwarded to Pubs on Tape		0	
64	04/01/2011		EIDC	Export to Initial Data Capture		0	
63	03/30/2011		ELC_RVW	Electronic Review		0	
62	03/30/2011		EML_NTF	Email Notification		0	
61	03/30/2011	02/13/2011	MN/=.	Mail Notice of Allowance	45	49	
60	03/28/2011		OAR	Office Action Review		0	
59	03/28/2011		IREV	Issue Revision Completed		0	
58	03/28/2011		DVER	Document Verification		0	
57	03/25/2011		OAR	Office Action Review		0	
56	03/25/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
55	03/25/2011		N/=.	Notice of Allowance Data Verification Completed		0	
54	03/24/2011		CNTA	Allowability Notice		0	
48	10/14/2010		ABN9	Disposal for a RCE / CPA / R129		0	
53	10/13/2010		IDSC	Information Disclosure Statement considered		0	
52	10/13/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
51	10/13/2010		RCAP	Reference capture on IDS		0	
50	10/13/2010		M844	Information Disclosure Statement (IDS) Filed		0	
49	10/13/2010		RCEX	Request for Continued Examination (RCE)		0	
47	10/13/2010		BRCE	Workflow - Request for RCE - Begin		0	
46	07/26/2010		CRFT	Sequence Forwarded to Pubs on Tape		0	
45	07/13/2010		EIDC	Export to Initial Data Capture		0	
44	07/13/2010		ELC_RVW	Electronic Review		0	
43	07/13/2010		EML_NTF	Email Notification		0	
42	07/13/2010		MN/=.	Mail Notice of Allowance		0	
41	07/07/2010		IREV	Issue Revision Completed		0	
40	07/07/2010		N/=.	Notice of Allowance Data Verification Completed		0	
39	07/07/2010		DVER	Document Verification		0	
38	06/21/2010		CNTA	Allowability Notice		0	
34	05/29/2010		ABN9	Disposal for a RCE / CPA / R129		0	
37	05/24/2010		IDSC	Information Disclosure Statement considered		0	
36	05/24/2010		M844	Information Disclosure Statement (IDS) Filed		0	
35	05/24/2010	05/23/2010	RCEX	Request for Continued Examination (RCE)		1	26
33	05/24/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
32	05/24/2010		BRCE	Workflow - Request for RCE - Begin		0	
31	04/02/2010		FIDC	Finished Initial Data Capture		0	
30	03/09/2010		CRFT	Sequence Forwarded to Pubs on Tape		0	
29	02/24/2010		EIDC	Export to Initial Data Capture		0	
28	02/23/2010		ELC_RVW	Electronic Review		0	
27	02/23/2010		EML_NTF	Email Notification		0	
26	02/23/2010		MN/=.	Mail Notice of Allowance		0	
25	02/18/2010		IREV	Issue Revision Completed		0	

24	02/18/2010		DVER	Document Verification		0
23	02/18/2010		N/=	Notice of Allowance Data Verification Completed		0
22	02/18/2010		DOCK	Case Docketed to Examiner in GAU		0
21	02/16/2010		CNTA	Allowability Notice		0
20	02/12/2010		FWDX	Date Forwarded to Examiner		0
18	12/30/2009		CRFE	CRF Is Good Technically / Entered into Database		0
19	12/10/2009		A...	Response after Non-Final Action		0
17	09/29/2009	09/19/2009	MCTNF	Mail Non-Final Rejection	10	7
16	09/28/2009		CTNF	Non-Final Rejection		0
13	01/24/2009		DOCK	Case Docketed to Examiner in GAU		0
10	01/22/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete		0
9	01/02/2009		PG-ISSUE	PG-Pub Issue Notification		0
8	10/09/2008		OIPE	Application Dispatched from OIPE		0
6	09/24/2008		PGPC	Sent to Classification Contractor		0
5	09/24/2008		FLRCPT.O	Filing Receipt		0
4	09/24/2008		M903	Notice of DO/EO Acceptance Mailed		0
7	07/19/2008		371COMP	371 Completion Date		0
0.5	01/16/2007		NEFILE	International Filing date		0

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
Gray, Duncan Charles
Application No. 12/160,270
Filed: November 10, 2008
Attorney Docket No. 2006982-0007

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, a request to withdraw cannot be approved without providing the appropriate Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 6, 2012

In re Application of Timothy Stewart

Application No. 12160328

Filed: 15-Jul-2010

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. DEH0030US

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12160328	
Filing Date	15-Jul-2010	
First Named Inventor	Timothy Stewart	
Attorney Docket Number	DEH0030US	
Title	Methods and Compositions for Treating Prostate Cancer, Benign Prostatic Hypertrophy, P	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on <input checked="" type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/N. Nicole Endejann/
Name	N. Nicole Endejann
Registration Number	50229

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 24, 2011

TO SPE OF : ART UNIT 2444 - SPE William C. Vaughn, Jr.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/160,334 Patent No.: 7,849,136 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the major changes to the specification and claims requested by applicant, be approved? *See COCIN dated 3-10-2011*

Antonio Johnson

**Certificates of Correction Branch
(571)272-0483 Fax (571)270-9846**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

x Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: Printed claims reflect the amendment submitted on 7/19/10, therefore changes to the claims are not approved. All other requests are approved

/William C.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Vaughn, Jr.

SPE _____

Art Unit

2444



UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

May 6, 2011

Patent No.: 7,849,136 B2
Applicant : Weduke Cho, et al.
Issued : December 7, 2010
For : **COMPUTER PROGRAM PRODUCT AND SYSTEM COMPRISING COMMUNITY
MANAGEMENT METHOD**
Docket No. : 15138-000006/US/NP

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Respecting the alleged errors on the title page, specification and claims of said patent. The printed claims reflect the amendment submitted July 19, 2010, therefore the changes to the claims are not approved. The patent claims were printed in accordance with the record. Therefore no corrections are in order for these matters.

In view of the foregoing, the correction is hereby denied.

A certificate of correction will be issued to correct the remaining errors in your request.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
(571)272-0483
For Mary F. Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

AJ/cbn



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 03 2010

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

PCT LEGAL ADMINISTRATION

In re Application of QUITTMANN et al. :
Application No.: 12/160,343 : DECISION ON PETITION
PCT No.: PCT/EP07/01216 :
Int. Filing Date: 13 February 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 13 February 2006 :
Attorney Docket No.: 1686-109 PCT/US :
For: REDUCTION OF 5-(ARYL-DIAZENYL) :
-4,6-DIHALO-PYRIMIDINE :

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 28 September 2010, to accept the application without the signature of the joint inventor.

BACKGROUND

On 02 August 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 28 September 2010, applicant filed the instant petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor FENG YE, alleging that Mr. YE refused to sign the application. Applicant also paid the surcharge of \$130.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with payment of the \$200 petition fee.

With respect to Item (2) above, MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the

oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Here, the petition is accompanied by a statement of first hand knowledge of Chinese attorney Guo Shuihua. However, this statement of facts was not signed by Mr. Shuihua and thus, is unacceptable. Moreover, although Mr. Shuihua states that he personally met the nonsigning inventor, he does not state that the nonsigning inventor actually received a copy of the application papers relating to the above referenced application with a request for the nonsigning inventor's signature on the declaration. According to Mr. Shuihua, Mr. Ye refused to sign the declaration and also refused to sign a 'refusal letter'. Thus, it cannot be concluded that the nonsigning inventor was presented with a complete copy of the application papers and that he refuses to sign them as set forth in Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) above. Item (2) is not yet satisfied.

With regard to Item (3), the last known address of inventor FENG YE was provided. Item (3) is satisfied. With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted two separate declarations signed by the joint inventors and in compliance with 37 CFR 1.497(a) and (b).

As discussed above, Item (2) is not satisfied. Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition

fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 07 2011

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

PCT LEGAL ADMINISTRATION

In re Application of QUITTMANN et al. :
Application No.: 12/160,343 : DECISION ON PETITION
PCT No.: PCT/EP07/01216 :
Int. Filing Date: 13 February 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 13 February 2006 :
Attorney Docket No.: 1686-109 PCT/US :
For: REDUCTION OF 5-(ARYL-DIAZENYL) :
-4,6-DIHALO-PYRIMIDINE :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 February 2011, to accept the application without the signature of the joint inventor Feng Ye.

BACKGROUND

The procedural history of the application was set forth in the decision mailed on 3 December 2010 and is hereby incorporated by reference.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2) above, the petition was accompanied by a statement of first hand knowledge of Chinese attorney Guo Shuihua. Although Mr. Shuihua states that he personally met the non-signing inventor, he does not state that the nonsigning inventor actually received a copy of the application papers relating to the above referenced application with a request for the nonsigning inventor's signature on the declaration. According to Mr. Shuihua, Mr. Ye refused to sign the declaration and also refused to sign a 'refusal letter'.

With the renewed petition, Petitioner presents the declaration of Sabrina Balsiger, patent administrator for Lonza, Ltd., who states that on 07 January 2011, she sent a complete copy of the application papers to the nonsigning inventor at his last known address via Federal Express. As of 02 February 2011, she had not received any response from Mr. Ye. Thus, the nonsigning inventor was presented with a complete copy of the application papers and that by his conduct, it can be concluded that he refuses to sign the application. Item (2) is now satisfied.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 28 September 2010. The application has an international filing date of 13 February 2007 under 35 U.S.C. 363, and a date of 28 September 2010 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 07 2011

PCT LEGAL ADMINISTRATION

FENG YE
19-403 GUANGDANSTENGHUOQU
CHELP
TIANHE
GUANGZHOU 510288 CHINA

In re Application of QUITTMANN et al.
Application No.: 12/160,343
PCT No.: PCT/EP07/01216
Int. Filing Date: 13 February 2007
Priority Date: 13 February 2006
Attorney Docket No.: 1686-109 PCT/US
For: REDUCTION OF 5-(ARYL-DIAZENYL)
-4,6-DIHALO-PYRIMIDINE

Dear Mr. Feng Ye:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,352	07/09/2008	Iichiro Inoue	4578-25	1197
23117 7590 08/18/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER HEYMAN, JOHN S	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 08/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203**

In re Application of

INOUE et al.

Application No.: 12/160,352

Filed: 09 July 2008

Attorney Docket No.: 4578-25

**For: PRODUCTION METHOD OF
LIQUID CRYSTAL DISPLAY DEVICE
AND LIQUID CRYSTAL DISPLAY
DEVICE**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 12 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or

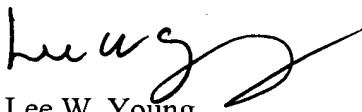
- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young
TQAS
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

MAILED
JUL 07 2011
OFFICE OF PETITIONS

Applicant: Bonanomi, et al.

Appl. No.: 12/160,368

International Filing Date: January 12, 2007

Title: Water Insoluble Helychrisum Extract, Process for Preparing the Same and Uses Thereof

Attorney Docket No.: BUG5-43957

Pub. No.: US 2010/0227012 A1

Pub. Date: September 9, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 4, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the international filing date was improperly printed.

The "Letter" and "Application Data Sheet" (ADS) received on September 26, 2008 were not processed by the Office, as the ADS was not a proper supplemental ADS in accordance with 37 CFR 1.76(c). The paper was not labeled a supplemental ADS and the changes in the data were not indicated by strike through or underlining. It would greatly benefit the Office, if Applicant would submit papers, such as this (that change the IA filing date) as a "Petition" or request for "Corrected Filing Receipt" to bring attention to such changes.

The application was forwarded to the Office of PCT Legal Administration for review of the International Filing Date.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 29 2010

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW CA 94039-0460

PCT LEGAL ADMINISTRATION

In re Application of :
Mangiardi, John R. :
U.S. Application No.: 12/160,370 :
PCT No.: PCT/US2006/028227 : **DECISION**
International Filing Date: 20 July 2006 :
Priority Date: 14 January 2006 :
Att. Docket No.: 383981-009US (109569) :
For: MULTIFUNCTIONAL FLOOR PADS :

This is a decision in response to applicant's petition under 37 CFR 1.181 for a corrected Notice of Acceptance and filing receipt, filed in the United States Patent and Trademark Office on 28 October 2010. The \$400 petition fee will be refunded to deposit account no.50-2778.

BACKGROUND

On 04 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or the oath or declaration were required.

On 27 August 2010, applicant submitted a declaration of the inventor directed to application no. 12/779,516.

On 01 September 2010, a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt were mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 27 August 2010.

On 04 October 2010, applicants filed a new declaration of the inventors and a request for a corrected filing receipt.

On 28 October 2010, applicants filed a second request for a corrected Notice of Acceptance and filing receipt.

DISCUSSION

The Notification of Acceptance mailed 01 September 2010, indicated that the declaration in compliance with 37 CFR 1.497(a)-(b) was received on 27 August 2010. A review of the file reveals that a declaration in compliance with 37 CFR 1.497(a)-(b) was not received until 04 October 2010. As such, the completion dates for the requirements under 35 U.S.C. §371(c)(1),

Application No. 12/160,370

2

(c)(2) and (c)(4) and for all requirements under 35 USC 371 are 04 October 2010, not 27 August 2010.

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 01 September 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,380	11/12/2009	Kenji Inomata	328500US2PCT	1445
22850 7590 12/29/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LEE, BENJAMIN C	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 12/29/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
INOMATA, KENJI et al.	:	DECISION ON REQUEST TO
Application No. 12/160,380	:	PARTICIPATE IN PATENT
Filed: November 12, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 328500US2PCT	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ADDMG - 27975
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
PO BOX 3791
ORLANDO FL 32802-3791

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Wang	:	
Application No. 12/160,397	:	ON PETITION
Filed: July 9, 2008	:	
Attorney Docket No. 78847	:	

This is a decision on the petition to revive under
37 CFR 1.137(b), filed September 7, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file
a reply in response to the non-final Office action, mailed
November 24, 2010. This Office action set a shortened statutory
period for reply of three months. No reply having been received,
the application became abandoned on February 25, 2011.

With the instant petition, applicant made the proper statement of
unintentional delay, paid the petition fee, and filed an
Amendment.

The application is being forwarded to Group Art Unit 3744 for
consideration of the Amendment, filed September 7, 2011.

Telephone inquiries related to this decision should be directed
to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

23 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK D. SARALINO
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of	:	
SUZUKI, et al.	:	
U.S. Application No.: 12/160,447	:	DECISION ON PETITION
PCT No.: PCT/JP2008/050126	:	
Int. Filing Date: 10 January 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 11 January 2006	:	
Attorney Docket No.: OKUDP0317US	:	
For: ULTRASONOGRAPH	:	

This decision is in response to applicant's petition under 37 C.F.R. 1.47(a) filed 22 July 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 January 2007, applicant filed international application PCT/JP2007/050126 which claimed priority to an earlier application filed 11 January 2006. A copy of the international application was transmitted to the United States on 19 July 2007. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 11 July 2008.

On 10 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 26 May 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 July 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing

inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 10 January 2007 under 35 U.S.C. 363, and will be given a date of **22 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

A handwritten signature in black ink, appearing to read 'D. A. Putonen', with a stylized flourish at the end.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

23 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Yoshinao Tan-naka
395-15 Kakuda
Aikawa-cho, Aikoh-gun
Kanagawa
JAPAN 228-0001

In re Application of
SUZUKI, et al.
U.S. Application No.: 12/160,447
PCT No.: PCT/JP2008/050126
Int. Filing Date: 10 January 2007
Priority Date: 11 January 2006
Attorney Docket No.: OKUDP0317US
For: ULTRASONOGRAPH

Dear Mr. Tan-naka:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115
United States of America

16 AUG 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT ADMINISTRATOR
FMC CORPORATION
1735 MARKET STREET
PHILADELPHIA PA 19103

In re Application of
FRANCIS, et al.
U.S. Application No.: 12/160,547
PCT No.: PCT/AU2007/000019
International Filing Date: 11 January 2007
Priority Date: 12 January 2006
Attorney's Docket No.: 60618-USA
For: CABLE WITH INSECTICIDE IN PLASTIC
SHEATH

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Correction of Typographical Error in Spelling of Inventor's Name" filed 06 October 2008 which is being treated as a petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of first inventor. The required \$400 petition has been charged to Deposit Account no. 06-1440.

BACKGROUND

On 10 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee and an Application Data Sheet.

On 06 October 2008, applicants filed the petition discussed herein to change the name of inventor Ian Henry Francis to Ian Keith Francis.

DISCUSSION

In the published international application, the first inventor was identified as Ian Henry Francis. On the declaration filed 06 October 2008, this inventor was identified as Ian Keith Francis. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the

name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to a "typographical error." In that this is clearly more than a mere typographical error of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable \$400 petition fee and statements from the inventor and any other person(s) having first hand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Applicants' present petition included payment of the required petition fee. However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of Ian Henry Francis on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the first inventor from Ian Henry Francis to Ian Keith Francis is not appropriate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT ADMINISTRATOR
FMC CORPORATION
1735 MARKET STREET
PHILADELPHIA PA 19103

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

In re Application of :
FRANCIS, et al. :
U.S. Application No.: 12/160,547 :
PCT No.: PCT/AU2007/000019 :
International Filing Date: 11 January 2007 :
Priority Date: 12 January 2006 :
Attorney's Docket No.: 60618-USA :
For: CABLE WITH INSECTICIDE IN PLASTIC :
SHEATH :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.182" filed 15 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 August 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 15 September 2010, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 16 August 2010, The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a signed statement from inventor Ian Keith Francis detailing that an error occurred in the filing of the international application as to his name and confirming that his correct name is that which appears on the executed declaration filed 06

October 2008. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **06 October 2008**.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED
AUG 18 2010
OFFICE OF PETITIONS

In re Application of :
James Micah Atkin :
Application No. 12/160,569 :
Filed: September 26, 2008 :
Attorney Docket No. 50365/007001 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.


The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the proper certifications were not made on the PTO/SB/63 form. Boxes 1 & 2 were left unchecked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MYCROLAB PTY LTD.**
70 Hanover Street
Victoria, 3065
Australia



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 Federal Street
Boston, MA 02110

MAILED

SEP 21 2010

In re Application of	:	OFFICE OF PETITIONS
Micah James Atkin	:	
Application No. 12/160,569	:	DECISION ON PETITION
Filed: September 26, 2009	:	TO WITHDRAW
Attorney Docket No. 50365/007001	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 30, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Karen L. Elbing on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

A handwritten signature in black ink that reads "Terri Johnson". The signature is fluid and cursive, with the first name "Terri" and last name "Johnson" clearly distinguishable.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MYCROLAB PTY LTD.**
70 Hanover Street
Fitzroy, Victoria, 3065
Australia



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/160,569	09/26/2008	Micah James Atkin	50365/007001

CONFIRMATION NO. 2278

POWER OF ATTORNEY NOTICE



Date Mailed: 09/17/2010

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AMPACC LAW GROUP, PLLC
6100 219TH STREET SW, SUITE 580
MOUNTLAKE TERRACE, WA 98043

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Hyun-Chul Jung
Application No.: 12/160,577
Filed: July 10, 2008
Attorney Docket No.: 134ZN-000300US

:
:
:
:
:

ON PETITION

This is a decision on the petition, filed December 13, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 30, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2612 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Butzel Long
IP Docketing Dept
350 South Main Street
Suite 300
Ann Arbor MI 48104

MAILED
OCT 13 2010
PCT LEGAL ADMINISTRATION

In re Application of:	:	
SPRENGER et al.	:	
Application No.: 12/160,592	:	
PCT No.: PCT/EP2007/000204	:	
Int. Filing: 11 January 2007	:	DECISION ON PETITION
Priority Date: 11 January 2006	:	
Attorney Docket No.: 139584-0005	:	
For: ADJUSTABLE VEHICLE SEAT AND	:	
METHOD	:	

This decision is issued in response to applicants' "Petition on Behalf of Joint Inventors Who Refuses to Sign under 37 CFR 1.47(a)" filed 29 September 2010. The \$200 petition fee has been submitted.

BACKGROUND

On 11 January 2007, applicants filed international application PCT/EP2007/000204, which claimed a priority date of 11 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 July 2007. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 11 July 2008.

On 10 July 2008, applicants filed a request to enter the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 31 March 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 June 2010, applicants submitted a declaration executed by two of the three joint-inventors.

On 15 July 2010, the United States Designated/Elected Office mailed a Notification of Defective Response indicating that the oath or declaration filed 30 June 2010 is not in compliance with 37 CFR 1.497(a).

On 29 September 2010, applicants filed the present petition under 37 CFR 1.47. The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of inventor Salih Yilmaz, whom applicants assert cannot be found or reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Salih Yilmaz cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.

The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

* * *

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not

present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Here, the attempts to contact the nonsigning inventor (Salih Yilmaz) are set forth in the present petition (statement) by Beverly M. Bunting. However, it is not clear whether the person (Beverly M. Bunting) who executed the statement is the person who conducted all of the actions set forth therein. It appears that the statements made with regards to the efforts to reach Salih Yilmaz constitutes secondhand knowledge, at best, in that the majority of the actions to which petitioner is averring to were conducted by Martina Tiedermann. Secondhand evidence does not satisfy the requirements set forth above. Applicants must provide evidence of the efforts made to reach the nonsigning inventor in the form required by the MPEP, that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth, accompanied by copies of any supportive documentary evidence.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Salih Yilmaz) has refused to execute the application or cannot be located to execute the application. If Salih Yilmaz cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Lastly, applicants should provide complete translations of all Exhibits not in English. Therefore, item (2) has not been satisfied.

For the above reasons, it would not be appropriate to accept this application without the signature of Salih Yilmaz at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Butzel Long
IP Docketing Dept
350 South Main Street
Suite 300
Ann Arbor MI 48104

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of:
SPRENGER et al.
Application No.: 12/160,592
PCT No.: PCT/EP2007/000204
Int. Filing: 11 January 2007
Priority Date: 11 January 2006
Attorney Docket No.: 139584-0005
For: ADJUSTABLE VEHICLE SEAT AND
METHOD

**DECISION ON PETITION
UNDER 37 CFR 1.47(a)**

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 02 December 2010. In a decision dated 13 October 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Salih Yilmaz, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 02 December 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Salih Yilmaz. The declaration filed 02 December 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 11 January 2007 under 35 U.S.C. 363 and a date of 02 December 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,631	07/11/2008	Malcolm F. Douglas	61263US006	2902

7590 09/28/2011
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

NGUYEN, VINCENT Q

ART UNIT PAPER NUMBER

2858

NOTIFICATION DATE DELIVERY MODE

09/28/2011

ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12160649	
Filing Date	11-Jul-2008	
First Named Inventor	Atsushi Inaba	
Art Unit	2812	
Examiner Name	RICHARD BOOTH	
Attorney Docket Number	MTIS-43916	
Title	DIAPHRAGM UNIT AND SPEAKER USING THE SAME	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Aaron A. Fishman/
Name	Aaron A Fishman
Registration Number	44682



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 25,2011

In re Application of :

Atsushi Inaba

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12160649

Filed : 11-Jul-2008

Attorney Docket No : MTIS-43916

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 25,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2812 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 3125

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/160,651	07/11/2008	320	2858	TW-GNA-0909		
APPLICANTS Yuan-Jui Lu, Taipei, TAIWAN; Kai-Shen Chen, Taipei, TAIWAN; ** CONTINUING DATA ***** This application is a 371 of PCT/CN06/00790 04/26/2006 ** FOREIGN APPLICATIONS ***** CHINA 200610001134.0 01/13/2006 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 09/13/2008						
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/SAMUEL BERHANU/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY TAIWAN	SHEETS DRAWINGS 4	TOTAL CLAIMS 12	INDEPENDENT CLAIMS 1
ADDRESS SINORICA, LLC 19785 Crystal Rock Drive Suite 207 Germantown, MD 20874 UNITED STATES						
TITLE Multi Power Supply System for a Portable Device						
FILING FEE RECEIVED 465	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
141-07 20TH AVENUE
WORLD PLAZA, SUITE 604
WHITESTONE, NY 11357

MAILED

FEB 08 2011

OFFICE OF PETITIONS

Applicant: Aggarwal, et al.

Appl. No.: 12/160,703

International Filing Date: March 20, 2007

Title: PROCESS FOR THE PREPARATION OF HIGHLY PURE DONEPEZIL

Attorney Docket No.: #1338-PCT-US

Pub. No.: US 2010/0113793 A1

Pub. Date: May 6, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 2, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the second inventor "Chidambaram Venkateswaran Srinivasan" was misprinted as "Chidambaram Vankateswaran Srinivasan".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error on the front page of the publication wherein the spelling of the second inventor's middle name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

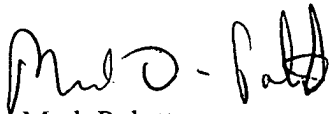
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication.”

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 07 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTOPHER P. MORENO
VEDDER PRICE PC
222 NORTH LASALLE STREET
CHICAGO, IL 60601

PCT LEGAL ADMINISTRATION

In re Application of:

SALOUK et al.

US Application No.: 12/160,711

PCT Application No.: PCT/AU2007/000020

Int. Filing Date: 11 January 2007

Priority Date: 11 January 2006

Atty Docket No.: 33836.97.0002

For: INTEGRATED SYSTEM AND METHOD OF
PROVIDING SERVICES

DECISION

UNDER

37 CFR § 1.47(a)

This is in response to applicants' "PETITION UNDER 37 C.F.R. §1.47(a) BY JOINT INVENTORS ON BEHALF OF NONSIGNING INVENTOR" received on 17 September 2010.

BACKGROUND

On 11 January 2007, applicants filed international application PCT/AU2007/000020, which claimed priority to an earlier application filed 11 January 2006. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 19 July 2007. The deadline for filing the basic national fee in the United States Patent and Trademark Office was 11 July 2008.

On 11 July 2008, applicants submitted a request for entry into the national stage in the United States, which was accompanied by, inter alia, the basic national fee. The papers were assigned U.S. application number 12/160,711.

On 18 May 2010, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 September 2010, applicants filed the present petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) above, the requisite \$200 petition fee will be charged to applicants' deposit account as authorized.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Gregory Wells refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Wells for signature and that inventor Wells received such papers (see affidavit of Robert Kelson, ¶2db). Furthermore, the petition sufficiently illustrates that inventor Wells refuses to sign. In particular, Wells' failure to return an executed declaration in response to the letter deliver to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor Wells refuses to join in the application.

With regard to item (3) above, the petition states the nonsigning inventor's last known address.

With regard to item (4) above, a review of the executed declaration reveals that the declaration is not presently in compliance. The declaration is an improper composite document which includes one of page 1 and three of page 2. It is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. Applicant must submit either: (1) a complete declaration which is presented to and executed by all of the available inventors or (2) multiple complete declarations, wherein each available inventor executes at least of the multiple complete declarations.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136 are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTOPHER P. MORENO
VEDDER PRICE PC
222 NORTH LASALLE STREET
CHICAGO, IL 60601

MAILED

APR 13 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
SALOUK et al.	:	DECISION
US Application No.: 12/160,711	:	
PCT Application No.: PCT/AU2007/000020	:	
Int. Filing Date: 11 January 2007	:	UNDER
Priority Date: 11 January 2006	:	
Atty Docket No.: 33836.97.0002	:	
For: INTEGRATED SYSTEM AND METHOD OF	:	37 CFR § 1.47(a)
PROVIDING SERVICES	:	
	:	

This is in response to applicants' "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" received on 07 March 2011.

BACKGROUND

On 11 January 2007, applicants filed international application PCT/AU2007/000020, which claimed priority to an earlier application filed 11 January 2006. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 19 July 2007. The deadline for filing the basic national fee in the United States Patent and Trademark Office was 11 July 2008.

On 11 July 2008, applicants submitted a request for entry into the national stage in the United States, which was accompanied by, inter alia, the basic national fee. The papers were assigned U.S. application number 12/160,711.

On 18 May 2010, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 September 2010, applicants filed the petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature.

On 07 January 2011, the petition was dismissed for improper declaration.

On 07 March 2011, applicants filed the present renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the other joint inventors on behalf of and as agent for the non-signing inventor.

Items (1) - (3) have been provided.

With regard to item (4) above, applicants satisfied the requirement by submitting multiple complete declarations, wherein each available inventor executed one of the multiple complete declarations.

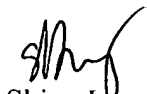
CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 USC 371 (c)(1), (c)(2), (c)(4) date is 07 March 2011.



Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gregory Norman Wells
75 Hewitt Avenue
Wahroonga, New South Wales 2076
Australia

MAILED

APR 13 2011

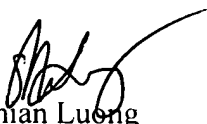
PCT LEGAL ADMINISTRATION


In re Application of:
SALOUK et al.
US Application No.: 12/160,711
PCT Application No.: PCT/AU2007/000020
Int. Filing Date: 11 January 2007
Priority Date: 11 January 2006
Atty Docket No.: 33836.97.0002
For: INTEGRATED SYSTEM AND METHOD OF
PROVIDING SERVICES

Dear Mr. Wells,

You are named as an inventor in the above captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557


Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: MC1-018537 US PCT

Application Number
(if known): 12/160,743

Filing date: 4 May 2010

First Named
Inventor: Cuauhtemoc Rodriguez

Title: Power Conditioning Unit

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Supplemental Preliminary Amendment

Signature /Christopher P Harris/

Date 18 May 2011

Name Christopher P. Harris
(Print/Typed)

Registration Number 43,660

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

☐ *Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,743	05/04/2010	Cuauhtemoc Rodriguez	MC1-018537 US PCT	3932
26294 7590 05/26/2011 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114			EXAMINER RILEY, SHAWN	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 05/26/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of	:	
Cuauhtemoc RODRIGUEZ	:	DECISION ON PETITION
Application No. 12/160,743	:	TO MAKE SPECIAL UNDER
Filed: May 04, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. MC1-018537 US PCT	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

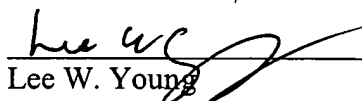
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2838 for action on the merits commensurate with this decision.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of
VAN LUMIG et al.
Application No.: 12/160,843
PCT No.: PCT/EP07/00332
Int. Filing Date: 16 January 2007
Priority Date: 17 January 2006
Attorney Docket No.: BHD-4662-843
For: PLASTIC TUBE FOR AIR-BRAKE
SYSTEMS

DECISION ON
PETITION UNDER
37 CFR 1.182

This is a decision on applicant's "Response to Notification of Missing Requirements", treated as a petition under 37 CFR 1.182 to correct inventor's name, filed on 24 June 2010 in the United States Patent and Trademark Office (USPTO). Applicant's request for a one month extension of time is dismissed as moot.

BACKGROUND

On 14 July 2008, applicant filed a request for U.S. National Stage entry for international application PCT/EP07/00332. On 27 July 2009, applicant filed an executed declaration. The declaration identified the first named inventor and was executed by LAMBERT VAN LUMIG.

On 24 March 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that the declaration did not comply with 37 CFR 1.497(a) and (b) in that the first inventor's name as listed on the International Application differed from the name as identified on the declaration. The Notification set a two month period for reply with extensions of time available.

On 24 June 2010, within the two month period of time from the issuance of the Notification of Missing Requirements, applicant filed the instant response.

DISCUSSION

International application PCT/EP07/00332 identifies LAMBERT LUMIG VAN as the first named inventor in the published international application. The declaration submitted in the above referenced application identified LAMBERT VAN LUMIG, making the declaration unacceptable.

Section 1893.01(e) of the Manual Of Patent Examining Procedure (MPEP) states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497 for example, on account of marriage, then a petition under 37 CFR

1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the first inventor was incorrectly listed in the international application. Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Applicant's present petition includes the authorization to charge applicant's Deposit Account for required fees, pursuant to which the Deposit Account will be charged the required \$400 petition fee. Applicant's petition also includes the required confirmation that the correct name of the inventor is LAMBERT VAN LUMIG, as listed on the declaration. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record of the inventor from Lambert Lumig Van to Lambert Van Lumig.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for the first inventor to Lambert Van Lumig is **GRANTED**. Applicant's request for a one month extension of time is dismissed as moot.

Based on this correction, the executed declaration filed 27 July 2010 is no longer defective, and may be accepted in compliance with 37 CFR 1.497.

Applicant's deposit account will be refunded the \$130 fee for a one month extension of time and will be charged the petition fee of \$400.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 July 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,889	08/30/2010	James A. Russell	RUSSELL=8	5958

EXAMINER	
SITTON, JEHANNE SOUAYA	

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
12/14/2011	PAPER

7590 12/14/2011
Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington, DC 20006

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 28 2011

PCT LEGAL ADMINISTRATION

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston, MA 02111

In re Application of :
THORAVAL et al. :
U.S. Application No.: 12/160,912 :
PCT No.: PCT/FR2007/000089 :
Int. Filing Date: 18 January 2007 :
Priority Date: 14 March 2006 :
Attorney Docket No.: 24948US ORL 13 SDV :
For: FILTER ELEMENT :

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Rule 182 Petition for Corrected Publication of Application under 37 U.S.C. §122(b) (37 CFR 1.182)" filed 09 November 2010. The petition, treated herein under 37 CFR 1.182, seeks to correct the bibliographic data (international application number) for the national stage application papers filed 15 July 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/FR2007/000089. The required \$400 petition fee has been submitted.

BACKGROUND

On 18 January 2007, applicant filed international application PCT/FR2007/000089, which claimed a priority date of 14 March 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 September 2008.

On 15 July 2008, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/160,912.

The materials filed 15 July 2008 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/FR2007/000089, filed 30 October 2007. The bibliographic data entered by applicant as part of the electronic filing identified the application as a U.S. national stage of PCT/US2007/000089. Thus, applicant's 15 July 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/FR2007/000089 and PCT/US2007/000089.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2007/000089, the international application number set forth in the

bibliographical data provided by applicant when filing the electronic application.

On 19 September 2008, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/US2007/000089 (the filing receipt also listed the application as a national stage of PCT/US2007/000089).

On 02 November 2010, the USPTO issued a Corrected Filing Receipt which listed the application as a national stage of PCT/FR2007/000089.¹

On 09 November 2010, applicant filed "Rule 182 Petition for Corrected Publication of Application under 37 U.S.C. §122(b) (37 CFR 1.182)" considered herein.

DISCUSSION

Applicant states in the present petition that the United States Patent and Trademark Office entered the incorrect bibliographic data (international application number) for the above-identified application. Applicant's assertion is incorrect. The EFS Web Electronic Acknowledgment Receipt generated at the time filing clearly indicated that applicant (EFS-Web filer) identified the international application as PCT/US2007/000089. Applicant's entry of PCT/US2007/000089 during the electronic filing process has caused the present application file to be initiated as a national stage of PCT/US2007/000089.

As noted above, correction of this error is required before the materials filed 15 July 2008 can be treated as having been directed to international application PCT/FR2007/000089, as necessary to avoid abandonment of the international application with respect to the United States. Here, applicant confirms that the correct international application is PCT/FR2007/000089 and the petition further states that the correct international application number was listed on the Transmittal Letter filed 15 July 2008. Applicant's present submission included the authorization to charge counsel's Deposit Account the required petition fee to correct applicant's error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 15 July 2008 and to permit such materials to be treated as having been directed to international application PCT/FR2007/000089.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED in part and the materials filed 15 July 2008 will be treated as the national stage of PCT/FR2007/000089.

Applicant's request for republication is DISMISSED without prejudice. Upon revival of the above-identified application, the application will be forwarded to the Office of Publication for republication, if appropriate.

¹The 02 November 2010 corrected filing receipt was issued prematurely, in that, applicant have not submitted a petition under 37 CFR 1.182 to correct applicant's filing error.

It is noted that the above-identified application remains ABANDONED per the Notification of Abandonment dated 12 November 2011.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and preparation and mailing of a corrected Filing Receipt in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony Smith", with a stylized flourish extending to the right.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR, MI 48104

MAILED

MAR 15 2011

In re Application of
Erik Sprenger et al.
Application No. 12/160,962
Filed:
Attorney Docket No. 139584-0004

OFFICE OF PETITIONS

**DECISION NOTING JOINDER
OF INVENTOR AND PETITION
UNDER 37 CFR 1.47 (a) MOOT**


Papers filed on December 2, 2010, include a Declaration signed by a previously non-signing inventor, Salih Yilmaz, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47 (a) is moot; this application does not have any rule 1.47 (a) status. This application need not be returned to this office for any further consideration under 37 CFR 1.47 (a).

This matter is being referred to Technology Center AU 3636 for examination in due course.

Telephone inquiries related to this decision should be directed to Irvin Dingle at (571) 272-3210.


David Buccia
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 10016-0601

MAILED

DEC 08 2010

PCT LEGAL ADMINISTRATION

In re Application of DIAZ FUENTE :
U.S. Application No.: 12/161,018 :
PCT Application No.: PCT/ES2007/000582 :
Int. Filing Date: 16 October 2007 :
Priority Date Claimed: 21 December 2006 :
Attorney Docket No.: 4093/052 :
For: IMPROVED METHOD OF CODIFICATION :
AND DECODIFICATION WITH AT LEAST TWO :
PAIRS OF ORTHOGONAL SEQUENCES :

DECISION

This is in response to applicant's petition under 37 CFR 1.137(b) filed on 10 November 2010.

BACKGROUND

On 16 October 2007, applicant filed international application PCT/ES2007/000582, which claimed priority of an earlier Spain application filed 21 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 26 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 22 June 2009.

On 16 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 11 May 2010, the present application became abandoned for failure to timely file a proper response to the Notification of Missing Requirements.

On 10 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 November 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 10 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

PCT LEGAL ADMINISTRATION

In re Application of MENDIBOURNE et al. :
Application No.: 12/161,103 : DECISION ON PETITION
PCT No.: PCT/EP07/00214 :
Int. Filing: 11 January 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 17 January 2006 :
Attorney Docket No.: 1001-250 :
For: IMPROVEMENTS IN OR RELATING TO :
REINFORCEMENT OF HOLLOW PROFILES :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 December 2010, to accept the application without the signature of joint inventor JEAN MENDIBOURNE Mendibourne. This is also in response to applicant's petition under 37 CFR 1.47(a) filed 12 October 2010.

BACKGROUND

On 16 July 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 March 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 12 October 2010, applicant filed a petition along with declarations, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor JEAN MENDIBOURNE alleging that Mr. Mendibourne cannot be reached to sign the application papers. Applicant also filed a request for a five month extension of time, which was granted.

On 21 December 2010, applicant filed a declaration, executed by the previously non-signing inventor.

DISCUSSION

Petitioner has now presented the declaration signed by inventor JEAN MENDIBOURNE. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states the residency, citizenship and mailing address of each inventor. The declaration executed by inventor MENDIBOURNE is acceptable under 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. Applicant filed a second petition fee of \$200 which will be refunded to his deposit account.

The declaration, executed by the previously non-signing inventor, submitted 21 December 2010, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 December 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286

Fax: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application :
Sasaoka, al. :
Application No. 12/161,128 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: July 16, 2008 :
Dkt. No.: 091619-0171 :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed September 21, 2011.

Applicants submit that the correct patent term adjustment to be indicated on the patent is 796 days, not 568 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the application is entitled to an adjustment of 569 days pursuant to 37 CFR 1.702(a)(1) in connection with the mailing of non-final Office action on April 8, 2011. Applicants further assert that the application is entitled to an additional adjustment of 227 days in accordance with 37 CFR 1.702(b).

The application for patent term adjustment under 37 CFR 1.705(b) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

37 CFR 1.702(a)(1)

Applicants argue that the period of adjustment pursuant to 37 CFR 1.702(a)(1) is 569 days, from September 17, 2009, 14 months from the application filing date, to April 8, 2011, the date that the restriction requirement was mailed.

Applicants argument has been carefully considered, and is found convincing. In accordance with 37 CFR 1.702(a)(1), the term of a patent shall be adjusted for the Office's failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application. See, also, MPEP 1893.03(b).

The instant application fulfilled the requirements of 35 U.S.C. 371 on July 16, 2008, early processing requirements have been satisfied. Accordingly, the period of adjustment pursuant to 37 CFR 1.702(a)(1) commenced September 17, 2009, the day after the date that is 14 months

after the date of fulfillment, and ended 569 days later on April 8, 2011, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(1).

37 CFR 1.702(b)

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

In view thereof, as of the time of allowance, the application was entitled to an overall patent term adjustment of 569 days.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure: Adjusted PAIR Calculation



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number: 12161128 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12161128

Application Filing Date	07/16/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	568
A Delays	568	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	569

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
43	09/25/2011		P028	Adjustment of PTA Calculation by PTO	569	0	
42	09/25/2011		P028	Adjustment of PTA Calculation by PTO		568	0
38	08/22/2011		MN/ =.	Mail Notice of Allowance		0	
37	08/19/2011		OAR	Office Action Review		0	
36	08/19/2011		IREV	Issue Revision Completed		0	
35	08/19/2011		DVER	Document Verification		0	
34	08/19/2011		N/ =.	Notice of Allowance Data Verification Completed		0	
33	08/19/2011		DOCK	Case Docketed to Examiner in GAU		0	
32	08/17/2011		CNTA	Allowability Notice		0	
30	06/27/2011		FWDX	Date Forwarded to Examiner		0	
31	06/15/2011		C614	New or Additional Drawing Filed		0	
29	06/15/2011		A...	Response after Non-Final Action		0	
28	04/08/2011	09/17/2009	MCTNF	Mail Non-Final Rejection	568	9	
27	04/07/2011		CTNF	Non-Final Rejection		0	
19	02/01/2011		DOCK	Case Docketed to Examiner in GAU		0	
18	07/08/2010		DOCK	Case Docketed to Examiner in GAU		0	
17	07/01/2010		PG-ISSUE	PG-Pub Issue Notification		0	
25	04/20/2010		IDSC	Information Disclosure Statement considered		0	
16	04/20/2010		RCAP	Reference capture on IDS		0	
15	04/20/2010		M844	Information Disclosure Statement (IDS) Filed		0	
11	04/20/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
10	03/26/2010		OIPE	Application Dispatched from OIPE		0	
8	03/19/2010		PGPC	Sent to Classification Contractor		0	
7	03/19/2010		FLRCPT.O	Filing Receipt		0	
6	03/19/2010		M903	Notice of DO/EO Acceptance Mailed		0	
24	02/10/2010		IDSC	Information Disclosure Statement considered		0	
14	02/10/2010		M844	Information Disclosure Statement (IDS) Filed		0	
5	02/10/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
4	07/20/2008		L194	Cleared by OIPE CSR		0	
3	07/20/2008		SCAN	IFW Scan & PACR Auto Security Review		0	
9	07/17/2008		371COMP	371 Completion Date		0	
0.5	01/17/2007		NEFILE	International Filing date		0	

Export to: Excel

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12161148	
Filing Date	16-Jul-2008	
First Named Inventor	Kunio Tabata	
Art Unit	2861	
Examiner Name	JANNELLE LEBRON	
Attorney Docket Number	17728.2	
Title	HEAD DRIVE DEVICE OF INKJET PRINTER AND INK JET PRINTER	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Carl T. Reed, 45,454/
Name	Carl T. Reed
Registration Number	45454



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 8, 2011

In re Application of :

Kunio Tabata

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12161148

Filed : 16-Jul-2008

Attorney Docket No : 17728.2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2861 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO. 12161203	FILING DATE 9/4/2008	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION SOGA ET AL.	ATTORNEY DOCKET NO. 50595/00300 1
---	-------------------------	--	--

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

PAUL C. MARTIN

ART UNIT

PAPER

1657

20110214

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The decision on the petition for color drawings filed 01/26/2011 in the above entitled application is as follows:

☐ Delay in Prosecution Held Unavoidable (35 USC 133),

Petition Granted _____

☐ Delayed Payment of Issue Fee Accepted (35 USC 151),

Petition Granted _____

☒ Petition Granted _____

☐ Petition Denied _____

☐ Petition Dismissed _____

By Direction of the Deputy Assistant Director of Patents

/Jon P Weber/ Supervisory Patent Examiner
Art Unit 1657

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110720

DATE : July 20, 2011

TO SPE OF : ART UNIT 1657

SUBJECT : Request for Certificate of Correction on Patent No.: 7964177

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/JON P WEBER/
Supervisory Patent Examiner.Art Unit 1657



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of
Wu et al.
Application No. 12/161,226
Filed: November 21, 2008
Attorney Docket No. P2299R1

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed July 9, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 10, 2010. A Notice of Abandonment was mailed January 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1643 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,242	07/21/2009	Volker Brod	WUES-1-1001	9650
72060	7590	12/13/2011		
John A. Miller Miller IP Group, PLC 42690 Woodward Avenue Suite 200 Bloomfield Hills, MI 48304			EXAMINER SNELTING, JONATHAN D	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 12/13/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 13 2011

John A. Miller
Miller IP Group, PLC
42690 Woodward Avenue
Suite 200
Bloomfield Hills MI 48304

In re Application of: Brod Volker
Appl. No. 12/161,242
Filed: July 21, 2009
For: APPARATUS AND METHOD FOR TRANSFERRING
A PLURALITY OF CHIPS FROM A WAFER TO
A SUB STRATE

: **DECISION ON PETITION**
: **TO REVIEW RESTRICTION**
: **REQUIREMENT**
: **UNDER 37 CFR 1.144**

This is a decision on applicant's petition under 37 CFR 1.144 filed on June 8, 2011 to request that the restriction requirement made in the Office action mailed on January 12, 2011 be withdrawn.

The petition is **GRANTED**.

A review of the record indicates that in the Office action mailed on January 12, 2011, the examiner required an election of species between Group I of claims 1-12 drawn to an apparatus for transferring chips, and Group II of claims 13-20 drawn to a method for transferring flip-chips. On February 9, 2011, applicant elected with traverse to prosecute Group I (claims 1-12); and requested reconsideration of the restriction requirement. In the non-final Office action mailed on March 8, 2011, the examiner acknowledged the election and applicant's traversal of the requirement, and withdrew claims 13-20 as being drawn to a nonelected invention. On June 8, 2011, applicant timely filed this petition to withdraw the restriction requirement in addition to a response to the Office action.

Applicant contends that the restriction requirement between Group I and II is improper because both Groups have the same special technical feature of a first and second disc indicative of unity of invention. Applicant also argues that "the test for determining lack of unity of invention is not shown by whether the inventions fail to share a particular technical feature, but whether there is a technical relationship between the inventions that involves at least one common or corresponding special technical feature."


MPEP §1893.03(d) on Unity of Invention states that "The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those

inventions which are so linked as to form a single general inventive concept. A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art." See also MPEP § 1850 and PCT Rule 13.2.

A review of the record shows that each of the Group I and II claims at least one first disc or at least one first roll. Each of the Group I and II also includes another feature of at least one second disc or at least one second roll. See claim 1 of Group I and claim 13 of Group II. The first disc/roll and the second disc/roll is a common technical feature and Groups I and II have unity of invention. In addition, in the non-final Office action mailed on March 8, 2011, the examiner indicated that the first disc/roll and the second disc/roll are found in the U.S. patent publication 2003/0161711 to Kwan, U.S. patent no. 5,336,029 to Kato, and U.S. patent no. 6,839,959 to Hosotani et al. Since the technical feature of a first disc/roll and a second disc/roll are known in the prior art, these technical features are not special technical features—they are common technical features. Furthermore, as Group I and Group II recite the same essential characteristics of a single inventive concept, the claims of Groups I and II are not directed to patentably distinct inventions.

In view of the findings noted above, applicant's arguments are persuasive. The restriction requirement made in the January 12, 2011 Office action is hereby withdrawn. The application is returned to the examiner for an action on all pending claims submitted in the amendment dated June 8, 2011 consistent with the decision herein.

Any questions regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.


Dave Talbott, Director
Technology Center 3600
(571) 272-5250

dt/lm : 11/17/2011

LM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,284	08/08/2008	Michael Forrer	ZIM0699	9966
43963 7590 03/14/2011 ZIMMER TECHNOLOGY - BAKER & DANIELS 111 EAST WAYNE STREET, SUITE 800 FORT WAYNE, IN 46802			EXAMINER STROUD, JONATHAN R	
			ART UNIT 3774	PAPER NUMBER
			MAIL DATE 03/14/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ZIMMER TECHNOLOGY - BAKER & DANIELS
111 EAST WAYNE STREET, SUITE 800
FORT WAYNE IN 46802

Applicant: Forrer
Appl. No.: 12/161,284
Filing Date: August 8, 2008
Title: HUMERAL COMPONENT
Attorney Docket No.: ZIM0699
Pub. No.: US 2011/0035014 A1
Pub. Date: February 10, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 14, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** In addition, the applicant did not provide a copy of the application for publication purposes. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

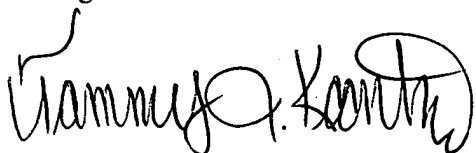
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz". The signature is stylized with a large, looped initial "T" and a cursive "Koontz".

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/15/2011 KKING1
03/14/2011 INTEFSW 00008729 020385 12161284
01 FC:1504 300.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGIREWOODS, LLP
1750 TYSONS BLVD.
SUITE 1800
MCLEAN VA 22102

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re application of :
Dennis Longstaff :
Application No. 12/161,290 :
Filed: July 17, 2008 :
Attorney Docket No. 2042612-5034US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on September 1, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

- 4 OCT 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW CA 94039-0460

In re Application of :
BJORCK, Lars :
Application No.: 12/161,330 :
Int'l. Filing Date: 12 June 2008 :
Docket No.: 381181-001US (101083) :
For: DIAGNOSTIC METHOD :

DECISION

This Decision is in response to the Miscellaneous Petition to Correct Application Record, filed in the United States Patent and Trademark Office on 30 June 2010.

The papers not directed to this application, with a filing date of 18 June 2010, have been closed from this application.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARENT FOX LLP
555 WEST FIFTH STREET
48TH FLOOR
LOS ANGELES CA 90013

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Patel et al.	:	DECISION ON PETITION
Application No. 12/161,333	:	TO WITHDRAW
Filed: July 17, 2008	:	FROM RECORD
Attorney Docket No. 030297.0004	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed March 7, 2011 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH R. BAKER, APC
GAVRILOVICH, DODD & LINDSEY LLP
4660 LA JOLLA VILLAGE DRIVE, SUITE 750
SAN DIEGO CA 92122

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of
Roggensack
Application No. 12/161,340
Filed: 18 July, 2008
Attorney Docket No. 00022-002001

DECISION

This is a decision on the petition filed on 25 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

It appears that—for reasons not evident in the record—Petitioner submitted a request and fee for extension of time after the expiration of the statutory period.

Petitioner, as one registered to practice before the Office was or should have been aware that such submissions are inappropriate.

The fee is refunded *via* credit card.

Should Petitioner later find that the fee was not refunded, Petitioner should submit a request to the Office of Finance with a copy of this decision.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

**As to the Allegations
of Unintentional Delay**

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the non-final Office action mailed on 27 December, 2010, with reply due absent extension of time on or before 27 March, 2011.

The application went abandoned by operation of law after midnight 27 March, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 25 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an amendment, and made the statement of unintentional delay.

The Office mailed the Notice of Abandonment on 27 July, 2011.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

Application No. 12/161,340

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³⁾⁾

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

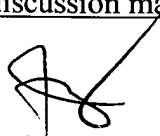
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3711 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 23 2011

PCT LEGAL ADMINISTRATION

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of: BAGGEN, et al. :
U.S. Application No.: 12/161,344 :
PCT No.: PCT/IB2007/050117 :
International Filing Date: 15 January 2007 :
Priority Date: 23 January 2006 :
Attorney's Docket No.: 003922 US1 :
For: ESTIMATION OF LENGTH OF :
CHANNEL IMPULSE RESPONSE :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 10 August 2011. Deposit Account No. 14-1270 will be charged the required \$400 petition fee.

BACKGROUND

On 15 January 2007, applicants filed international application PCT/IB2007/050117. The international application claimed a priority date of 23 January 2006, and it designated the United States. On 26 July 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 July 2008.

On 18 July 2008, applicants filed materials to initiate the present U.S. national stage application via the EFS-Web electronic filing system. This submission included, among other materials, an application data sheet (ADS), preliminary amendment, executed declaration, a copy of the publication of international application PCT/IB2007/050117, and payment of the basic national fee. The ADS identified the application as the U.S. national stage of PCT/IB2007/050117, and the declaration executed this application; however, as evidenced by the Electronic Acknowledgement Receipt, the information provided by applicants during the electronic filing process identified the application as the U.S. national stage of PCT/IB2006/050117. Thus, applicants' original national stage submission of 18 July 2008 identified two different international application numbers to which the submission was purportedly directed.

On 02 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) were satisfied as of 18 July 2008. The Notification identified the international application number as PCT/IB2006/050117.

Also on 02 December 2008, a filing receipt was mailed that identified the application as the U.S. national stage of PCT/IB2006/050117 and contained a foreign priority claim directed to EP 05100268, filed 18 January 2005 (this is the foreign priority claim in PCT/IB2006/050117).

On 02 August 2011, a "Notice of Allowance And Fee(s) Due" (Form PTOL-85) and "Notice Of Allowability" (Form PTOL-37) were mailed.

On 10 August 2011, applicants filed the "Petition Under 37 CFR 1.182" considered herein, accompanied by a copy of foreign application EP 06100707.6, the foreign application to which foreign priority was claimed in PCT/IB2007/050117 and in the ADS and declaration filed herein.

DISCUSSION

The present petition seeks to correct the error in the international application number provided during the electronic filing process and to confirm that the present application is the national stage of PCT/IB2007/050117. The petition indicates that the incorrect international application number was entered erroneously, and it notes that the correct international application was present on the ADS filed on 18 July 2008. The petition includes the authorization to charge applicants' Deposit Account for required fees, pursuant to which the Deposit Account will be charged the required \$400 petition fee.

The present petition satisfies the requirements for a grantable petition to correct the error in the international application number provided during the electronic filing process. Accordingly, USPTO records will be corrected to identify the present application as the U.S. national stage of PCT/IB2007/050117.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed on 02 December 2008, which identified the present application as the national stage of PCT/IB2006/050117 and which listed the foreign priority claim associated with such international application, are appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/IB2007/050117. It is noted that the materials filed to initiate the present application were filed prior to the expiration of 30 months from the priority date of such international application.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed on 02 December 2008, which identified the present application as the national stage of PCT/IB2006/050117, is hereby **VACATED**.

The filing receipt mailed on 02 December 2008, which also identified the present application as the national stage of PCT/IB2006/050117, and which listed the foreign priority claim associated with such international application is also hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt correctly identifying the present application as the national stage of PCT/IB2007/050117 and containing the correct foreign priority claim directed to EP 06100707.6, as set forth in the ADS and the declaration filed herein.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-329



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SOLVAY
C/O B. ORTEGO - IAM-NAFTA
3333 RICHMOND AVENUE
HOUSTON TX 77098-3099

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of
Arnalsteen et al.
Application No. 12/161,348
Filed: September 8, 2008
Attorney Docket No. IASR 2005/27

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 5, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 5, 2010. Accordingly, the date of abandonment of this application is January 6, 2011. A Notice of Abandonment was mailed January 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

Receipt date: 10/04/2011
U.S. Pat. No. 8,022,222

12161366 - GAU: 1622
Thomas D. AICHER et al.

OK TO ENTER: /A.D.K./

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 8,022,222)	Serial No.: 12/161,366
)	
Inventors: Thomas D. AICHER et al.)	Filed: July 18, 2008
)	
Issue Date: September 20, 2011)	Attorney Dkt No. 016539.00019

For: GLUCOKINASE ACTIVATORS

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

U.S. Patent and Trademark Office
Randolph Building, Mail Stop: Certificate of Correction Branch
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, Applicants request the issuance of a Certificate of Correction in the above-identified patent. A copy of PTO Form-1050 is appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is a copy of the Amendment filed July 18, 2008.

The exact location of the errors in the patent are listed below as well as the claim number as submitted in the amendment.

<u>Claim Number in Patent</u>	<u>Patent Column, Line</u>	<u>Claim Number as Submitted in Amendment</u>
Claim1, line 19	Column 178, line 20	1
Claim 1, line 20	Column 178, line 21	1
Claim 1, line 26	Column 178, line 26	1
Claim 1, line 12	Column 179, line 12	1
Claim 1, line 54	Column 179, line 54	1
Claim 2, line 27	Column 180, line 27	2
Claim 2, line 39	Column 180, line 39	2
Claim 3, line 60	Column 180, line 60	7

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111114

DATE : October 31, 2011

TO SPE OF : ART UNIT 1622

SUBJECT : Request for Certificate of Correction on Patent No.: 8,022,222

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/ANDREW D KOSAR/
Supervisory Patent Examiner.Art Unit 1622



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,397	07/18/2008	Lars von Hermann	P-1434	1013
<div>1695 7590 11/08/2010</div> <div>SCOTT R. COX</div> <div>LYNCH, COX, GILMAN & MAHAN, P.S.C.</div> <div>500 WEST JEFFERSON STREET</div> <div>SUITE 2100</div> <div>LOUISVILLE, KY 40202</div>				
<div>EXAMINER</div> <div>THOMAS, TIMOTHY P</div>				
<div>ART UNIT PAPER NUMBER</div> <div>1628</div>				
<div>NOTIFICATION DATE DELIVERY MODE</div> <div>11/08/2010 ELECTRONIC</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SCOX@LCGANDM.COM
HHART@LCGANDM.COM
KWATKINS@LCGANDM.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE KY 40202

NOV 08 2010

In re Application of
HERMANN, LARS VON
Application No. 12/161,397
Filed: July 18, 2008
Attorney Docket No. P-1434

:
:
: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 19, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (3) Examination of the U.S. application has not begun;
- (4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request; and
- (5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

The examination of the application has begun.

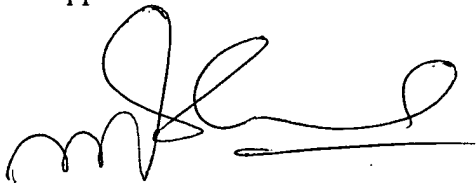
Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS**

PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebs/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

A handwritten signature in black ink, appearing to be 'Ram R. Shukla', with a stylized, cursive script.

Ram R. Shukla; Ph.D.

Supervisory Patent Examiner

TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT CENTRAL LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Lars von Hermann	:	
Application No. 12/161,397	:	ON PETITION
Filed: July 18, 2008	:	
Attorney Docket No. 3524-050	:	

This is a decision on the petition filed February 16, 2012, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of May 17, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is November 18, 2011. A three month extension of time was obtained.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

As to item 1, the amendment filed on November 7, 2011, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), an RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of the advisory action.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/161,397	Applicant(s) HERMANN, LARS VON
	Examiner TIMOTHY THOMAS	Art Unit 1628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☒ They raise the issue of new matter (see NOTE below);

c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: .
See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,2,6-11 and 14.

Claim(s) withdrawn from consideration: _____

	/Timothy P Thomas/ Primary Examiner, Art Unit 1628
--	---

Continuation of 3. NOTE: In the proposed claim amendment the removal of "heroin addicts", on which the rejections of record are based, requires further consideration and search of the remaining "opiate addicts"; a series of new limitations have been introduced to claims 1 and 11 and the new claims; each of these new limitations requires additional consideration and search. Claim 22 presents non-elected embodiments which have not been searched or examined; these require additional consideration and search.

The proposed amendment presents 24 claims, of which 15 are additional, but only 9 claims were finally rejected; there is no cancellation of the corresponding number of 15 finally rejected claims.

The proposed claim amendment introduces a generic "ratio" with functional limitations (claim 1, lines 7-9 and claim 18). No such disclosure of this ratio was identified; thus this limitation is new matter. The limitation "differential solubility" in claims 1, 11, 18, 20 was likewise not found upon search and review of the disclosure; this limitation is new matter. The "amount" limitation of the last two lines of claim 1, and corresponding locations in other independent claims, in the functional terms recited, does not have disclosure in the specification to place the public in possession of the full scope of the functionally recited "amount"; accordingly, this limitation introduces new matter into the claims.

The proposed specification amendment introduces new matter into the specification. While the ratio argued in support of this amendment at p. 9 of the remarks filed may be disclosed, the amount of 15 mg is not supported by this ratio; disclosure of 5 mg does not provide support for the proposed amended amount of 15 mg. Claim 32 recites the same 15 mg amount, which is new matter.

Continuation of 11. does NOT place the application in condition for allowance because: The rejections of record are maintained for the reasons of record. The arguments made appear to be based on functional limitations and amounts of the proposed amended claims, which have not been entered, for the reasons outlined above.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARRAY BIOPHARMA, INC.
3200 WALNUT STREET
BOULDER, CO 80301

MAILED

JUN 02 2011

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Robert Groneberg et al :
Application No. 12/161,412 :
Filed: July 18, 2008 :
Attorney Docket No. 02020.005US1 :

This is a decision on the petition, filed June 1, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 16, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Katherine A.D. Krueger
Viksnins Harris & Padys PLLP
PO Box 111098
St. Paul, MN 55111-1098

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/28/11

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 12161420 Patent No.: 7999436

CofC mailroom date: 09/22/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note:

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Walter Benson/

2837

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 16 2011

PCT LEGAL ADMINISTRATION

Charles Ogilvy Bartlett
8 The Close
Salisbury SP1 2EF
United Kingdom

In re Application of	:	
BARTLETT et al.	:	
Application No.: 12/161,432	:	COMMUNICATION &
PCT No.: PCT/GB2007/050032	:	DECISION ON PETITION
Int. Filing Date: 22 January 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 20 January 2006	:	
Attorney Docket No.: 17590.3	:	
For: COOKING APPARATUS	:	

This communication is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 23 November 2010.

The petition under 37 CFR 1.137(b) was signed only by Charles Bartlett, one of two applicants of record herein (the second applicant of record, as set forth on the published international application, is Andrew Holman).

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Because the present petition is not executed by the second applicant, his properly registered agent or attorney, or an assignee that has properly established ownership of the application, the petition is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits.

The petition has been placed in the application file, but no further action will be taken thereon.

The present application remains ABANDONED.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Charles Ogilvy Bartlett
8 The Close
Salisbury SP1 2EF
United Kingdom

MAILED

APR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
BARTLETT et al.
Application No.: 12/161,432
PCT No.: PCT/GB2007/050032
Int. Filing Date: 22 January 2007
Priority Date: 20 January 2006
Attorney Docket No.: 17590.3
For: COOKING APPARATUS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration of inventorship and the surcharge under 37 CFR 1.492(h)) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

27777

Philip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

MAILED

JUL 20 2011

PCT LEGAL ADMINISTRATION

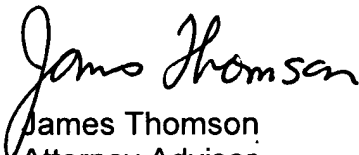
In re Application of
BAERT *et al*
U.S. Application No.: 12/161,445
PCT No.: PCT/US2007/050516
Int. Filing Date: 19 January 2007
Priority Date: 20 January 2006
Attorney Docket No.: TIP-0120-USPCT
For: LONG TERM TREATMENT OF
HIV-INFECTION WITH TMC278
(AMENDED)

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 12 April 2011 is hereby
GRANTED as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,448	07/18/2008	Jose Antonio Esmoris Bertoa	HERR30.001APC	1450

20995	7590	10/04/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
NGUYEN, PHONG H	

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON &
BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: ::
ESMORIS BERTOIA, JOSE ANTONIO ::
Serial No.: 12/161,448 :
Filed: July 18, 2008 ::
Docket: HERR30.001APC
Title: DOUBLE-HELIX TOOL AND
LAWNMOWER THAT INCORPORATES
SUCH A TOOL

DECISION ON PETITION

This is a decision on the petition filed on August 31, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed January 7, 2011, and that non-elected claims be rejoined and examined on the merits. The applicant elected Invention I and Group III species of Figure 1. Claims 1, 4 and 10 were examined on the merits. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED.

A review of the record reveals that on August 31, 2011, a restriction requirement was made under 35 USC 121 and 35 USC 372 between various method and apparatus inventions and species. This application was filed under 35 USC 371 and therefore the groups of inventions must be shown to be not so linked as to form a single general inventive concept under PCT Rule 13.1. The issue here is whether or not the non-elected claims are restrictable from the elected claims directed to Invention I and Group III species of Fig. 1.

On pages 2-4 of the petition, petitioner argues that there is no lack of unity of inventions in this case because claim 1 does share a special technical feature under PCT Rule 13.2. Petitioner also asserts that dependent claims 2-20 also share the special technical feature of double helical tool as recited in claim 1. Therefore, Inventions of Groups III – XII directed to Figures 1-4, 5.1-5.3, 6-10, respectively, also should not be considered as lack of unity of invention under 37 CFR § 1.499. It is noted that the applicant did not dispute the various grouped Inventions I-XII are not

patentably distinct (see first paragraph of page 5 of the Office action of January 7, 2011). Therefore, the various groups Inventions are deemed to be patentably distinct and independent.

Discussion

The issue in this case is whether or not there is lack of unity of invention between the double helical tool apparatus as claimed in Group I claims and the lawnmower machine as claimed in Group II claims under MPEP § 1850. The issue also applies to the various Inventions of Groups III – XII directed to Figures 1-4, 5.1-5.3, 6-10, respectively. Petitioner believes Inventions of Groups III – XII also should not be considered as lack of unity of invention under 37 CFR § 1.499.

Unity of invention (not restriction) practice is applicable in national stage applications submitted under 35 U.S.C. 371. MPEP § 1893.03(d). During the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rules 13.1 and 13.2 will be followed when considering unity of invention claims. MPEP § 1850, item I.

PCT Rule 13.1 states

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT Rule 13.2 states

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Relevant portions of section II of MPEP §1850 Unity of Invention, states [emphasis added below]:

An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).

Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more

of the same or corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

Lack of unity of invention may be directly evident "a priori," that is, before considering the claims in relation to any prior art, or may only become apparent "a posteriori," that is, after taking the prior art into consideration. For example, independent claims to A + X, A + Y, X + Y can be said to lack unity a priori as there is no subject matter common to all claims. In the case of independent claims to A + X and A + Y, unity of invention is present a priori as A is common to both claims. *However, if it can be established that A is known, there is lack of unity a posteriori, since A (be it a single feature or a group of features) is not a technical feature that defines a contribution over the prior art.* (Emphasis added).

In judging the propriety of the restriction requirement, a lack of unity of invention must be either directly evident "*a priori*", that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*", that is, after taking the prior art into consideration.

After the examiner issued the restriction requirement and the applicant elected the Groups I and III Inventions, the examiner issued a first action on the merits on March 31, 2011. In the non-final Office action of March 31, 2011, the examiner rejected the elected independent apparatus claim 1 as being anticipated by Ohmori et al (USP 4,630,514). Elected claim 1 was the only independent claim in the application.

Therefore, it became apparent "*a posteriori*"; that is, after taking the prior art into consideration that lack of unity of invention exists. Because all of the features of claim 1 are known and do not avoid the prior art, there is no special technical feature that defines a contribution over the prior art that is common to all of the independent claims. In this situation, clearly there is lack of unity of invention.

For the reasons outlined above, the examiner's restriction requirement between Group I and Groups II-XII Inventions is proper. Petitioner's request to have the restriction requirement withdrawn will not be granted.


Conclusion

The restriction requirement issued on January 7, 2010 is in accordance with proper Office procedure. Accordingly, the restriction requirement stands. The petitioner's request to withdraw the restriction requirement of January 7, 2011 is dismissed.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3724 for consideration of the applicant's Rule 111 Amendment filed on August 31, 2011. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings (37 CFR 1.181(f)). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Quality Assurance Specialist, at (571) 272-4856.

Application Serial No. 12/161,448
Decision on Petition

The petition is DISMISSED.



Donald T. Hajec, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

MAILED
OCT 27 2010
PCT LEGAL ADMINISTRATION

In re Application of PYHALAMMI et al :
U.S. Application No.: 12/161,478 :
PCT Application No.: PCT/IB2007/000095 :
Int. Filing Date: 12 January 2007 :
Priority Date Claimed: 23 January 2006 : **DECISION**
Attorney Docket No.: 004770.01712 :
For: END-TO-END SOLUTION FOR AN END- :
USER TO OBTAIN DESIRED :
INFORMATION IN USER INTERFACES :

This is in response to applicant's petition under 37 CFR 1.182 filed on 27 August 2010.

BACKGROUND

On 12 January 2007, applicant filed international application PCT/IB2007/000095, which claimed priority of an earlier United States application filed 23 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 23 July 2008.

On 18 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. As evidenced by the EFS Electronic Acknowledgement Receipt, the submission identified the international application number as "PCT/IB07/00096". However, the submission included an application data sheet which identified the international application number as "PCT/IB2007/00095".

On 16 July 2010, this Office mailed a communication which identified a discrepancy with respect to the international application number.

On 27 August 2010, applicant filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant mistakenly entered the wrong international application number into the EFS-Web interface. A review of the application file reveals that the correct international application number was present on at least one document. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

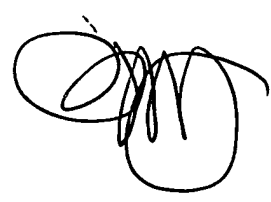
This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.¹



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

¹ The declaration filed on 07 January 2010 is an improper composite document consisting of one of page 1, two of page 2, three of page 3, and one of page 4. While it is perfectly acceptable for the inventors to sign different copies of a declaration, it is not proper to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. Applicant must furnish either: (1) a single complete declaration which is presented to and executed by each inventor or (2) multiple complete declarations, wherein each inventor executes at least one of the multiple complete declarations.



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/3/11

TO SPE OF : ART UNIT 3616

SUBJECT : Request for Certificate of Correction for Appl. No 12/161,508.: 7668757-B2

787953/B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s)
Be made?

RoChaun Johnson

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

APPROVED

/Paul N. Dickson/

SPE

3616

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI, FL 33134

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Application of
Antonio Mengibar Rivas
Application No. 12/161,616
Filed: July 21, 2008
Attorney Docket No. 280244

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed August 5, 2009 and supplemented October 25, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Sanchelima & Associates, PA does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ANTONIO MENDIBAR RIVAS
C/ CESAR MARTINELL I BRUENT 23-31
E-08191 SPAIN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,619	07/21/2008	Michael Charles Duberry	ARC-2491-93	3045
23117 7590 06/14/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HARRELL, ROBERT B	
			ART UNIT 2442	PAPER NUMBER
			MAIL DATE 06/14/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

NIXON& VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of: Duberry
Application No. 12/161619
Filed: July 21 2008
Atty. Docket No.: ARC-2491-93
For: METHODS AND APPARATUS FOR
MONITORING SOFTWARE SYSTEMS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT PROSECUTION
HIGHWAY PILOT PROGRAM AND
PETITION TO MAKE SPECIAL UNDER 37
CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 19, 2011, to make the above identified application special.

The request and petition are **DISMISSED AS MOOT**.

A grantable request to participate in the PPH program and petition to make special requires

- (1) The U.S. application is
- (a) a Paris Convention application which either
 - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the NBPR, or
 - (ii) validly claims priority to a PCT application that contains no priority claims,
- Or
- (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - (i) validly claims priority to an application filed in the NBPR, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim,
- Or
- (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - (i) validly claims priority to an application filed in the NBPR, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim.

Where the NBPR application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the NBPR application that contains the allowable/patentable claims and the NBPR priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of the allowable patentable claims from the NBPR application(s) along with an English translation thereof and a statement that the English translation is accurate if the

MAILED
JUN 14 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

claims are not in the English language. If the NBPR Office action does not explicitly state that a particular claim is allowable, applicant must include a statement in the request for participation in the PPH pilot program or in the transmittal letter accompanying the request for participation that no rejection has been made in the NBPR Office action regarding that claim, and therefore, the claim is deemed allowable by the WBPR.

- (3) All the claims in the U.S. application for which the request for participation in the PPH pilot program must sufficiently correspond to or be amended to sufficiently correspond to the allowable patentable claims in the NBPR application(s).
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the NBPR application(s) containing the allowable patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate if the Office actions are not in the English language.
- (6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.
- (7) The required petition fee under 37 CFR 1.17(h).

The Request to participate in the PPH pilot program no longer meets the requirements of item (4) above, since an Office action has already been issued on May 26, 2011.

Accordingly, the Petition is **DISMISSED AS MOOT**.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist,
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314

MAILED

NOV 24 2010

PCT LEGAL ADMINISTRATION

In re Application of VEKSTEIN et al :
U.S. Application No.: 12/161,698 :
PCT Application No.: PCT/IL2007/000102 :
Int. Filing Date: 25 January 2007 :
Priority Date Claimed: 27 January 2006 :
Attorney Docket No.: 3017/13-US :
For: DICED WAFER ADAPTOR AND A :
METHOD FOR TRANSFERRING A DICED :
WAFER :

DECISION

This is in response to applicant's petition under 37 CFR 1.47(a) filed 26 October 2010.

BACKGROUND

On 25 January 2007, applicant filed international application PCT/IL2007/000102, which claimed priority of an earlier United States application filed 27 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2008.

On 22 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 October 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his/her own behalf and on behalf of the nonsigning inventor. However, the declaration cannot be accepted because the respective given names and surnames have been transposed from that shown in the international application.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Uri Vekstein refuses to sign the application papers. However, the petition fails to demonstrate that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Vekstein for signature and that Vekstein received such papers. Furthermore, the petition does not sufficiently illustrate that Vekstein refuses to sign. Specifically, the petition does not include

an affidavit from the person to whom the purported refusal was made, setting forth the time and place of the refusal. Thus, it would not be reasonable at the present time to conclude that Vekstein refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

It is noted that the petition states, "Geva were named as co-inventors and asked Mr. Reuven Nanikashvili (again) to sign the declaration. Mr. Reuven Nanikashvili did not sign the declaration till today." Applicant is required to explain the relevance of this statement to the present application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314

MAILED

MAY 04 2011

PCT LEGAL ADMINISTRATION

In re Application of VEKSTEIN et al :
U.S. Application No.: 12/161,698 :
PCT Application No.: PCT/IL2007/000102 :
Int. Filing Date: 25 January 2007 :
Priority Date Claimed: 27 January 2006 : **DECISION**
Attorney Docket No.: 3017/13-US :
For: DICED WAFER ADAPTOR AND A :
METHOD FOR TRANSFERRING A DICED :
WAFER :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 23 February 2011.

BACKGROUND

On 25 January 2007, applicant filed international application PCT/IL2007/000102, which claimed priority of an earlier United States application filed 27 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2008.

On 22 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 October 2010, applicant filed a petition under 37 CFR 1.47(a).

On 24 November 2010, this Office mailed a decision dismissing the 26 October 2010 petition.

On 22 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/900).

On 23 February 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner previously satisfied items (3) and (4) above.

With regard to item (1) above, the declaration filed 26 October 2010 cannot be accepted because the respective given names and surnames have been transposed from that shown in the international application. Furthermore, the declaration filed with the renewed petition is improper because it fails to list the names of all of the inventors as required by 37 CFR 1.497(a)(3).

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The

document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Itzik Nissany refuses to sign the application papers. However, the petition fails to demonstrate that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Nissany for signature and that Nissany received such papers. Specifically, although the affidavit of Oren Reches states that Nissany received the application papers, a translation of the registered mail return receipt has not been provided. If Nissany did in fact receive the correspondence dated 23 January 2011, Nissany's failure to respond to such correspondence would constitute a constructive refusal to sign.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

The Notification of Abandonment mailed 22 February 2011 was sent in error and is hereby VACATED.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314

MAILED

AUG 11 2011

PCT LEGAL ADMINISTRATION

In re Application of VEKSTEIN et al :
U.S. Application No.: 12/161,698 :
PCT Application No.: PCT/IL2007/000102 :
Int. Filing Date: 25 January 2007 :
Priority Date Claimed: 27 January 2006 :
Attorney Docket No.: 3017/13-US :
For: DICED WAFER ADAPTOR AND A :
METHOD FOR TRANSFERRING A DICED :
WAFER :

DECISION

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 04 July 2011.

BACKGROUND

On 25 January 2007, applicant filed international application PCT/IL2007/000102, which claimed priority of an earlier United States application filed 27 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2008.

On 22 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 October 2010, applicant filed a petition under 37 CFR 1.47(a).

On 24 November 2010, this Office mailed a decision dismissing the 26 October 2010 petition.

On 22 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/900).

On 23 February 2011, applicant filed a renewed petition under 37 CFR 1.47(a).

On 04 May 2011, this Office mailed a decision dismissing the 23 February 2011 petition.

On 04 July 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner previously satisfied items (3) and (4) above.

With regard to item (1) above, applicant has submitted an appropriate declaration executed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The

document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Itzik Nissany refuses to sign the application papers. Although the petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Nissany for signature (see letter dated 23 January 2011), the petition fails to show that Nissany received such papers. Specifically, the translation of the registered mail receipt indicates that Nissany's signature is not present on the receipt. Therefore, unless it is established that Nissany resided at the delivery address at the time of delivery, the registered mail receipt does not prove that Nissany received the application papers. As stated in MPEP 409.03(d), it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). If petitioner establishes Nissany's receipt of the correspondence dated 23 January 2011, Nissany's failure to respond to such correspondence would constitute a constructive refusal to sign.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314

MAILED

DEC 08 2011

PCT LEGAL ADMINISTRATION

In re Application of VEKSTEIN et al :
U.S. Application No.: 12/161,698 :
PCT Application No.: PCT/IL2007/000102 :
Int. Filing Date: 25 January 2007 :
Priority Date Claimed: 27 January 2006 : **DECISION**
Attorney Docket No.: 3017/13-US :
For: DICED WAFER ADAPTOR AND A :
METHOD FOR TRANSFERRING A DICED :
WAFER :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 10 November 2011.

BACKGROUND

On 25 January 2007, applicant filed international application PCT/IL2007/000102, which claimed priority of an earlier United States application filed 27 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2008.

On 22 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 October 2010, applicant filed a petition under 37 CFR 1.47(a).

On 24 November 2010, this Office mailed a decision dismissing the 26 October 2010 petition.

On 22 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/900).

On 23 February 2011, applicant filed a renewed petition under 37 CFR 1.47(a).

On 04 May 2011, this Office mailed a decision dismissing the 23 February 2011 petition.

On 04 July 2011, applicant filed a renewed petition under 37 CFR 1.47(a).

On 11 August 2011, this Office mailed a decision dismissing the 04 July 2011 petition.

On 10 November 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers

should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Itzik Nissany refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Nissany for signature (see letter dated 23 January 2011) and that Nissany received such papers (see Appendix A. Furthermore, the petition sufficiently illustrates that Nissany refuses to sign. In particular, Nissany's failure to return an executed declaration in response to the papers delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Nissany refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 January 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 July 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Itzik Nissany
3/2 Ben Tzion Dinour
46351 Herzliya
ISRAEL

MAILED

DEC 08 2011

PCT LEGAL ADMINISTRATION

In re Application of VEKSTEIN et al
U.S. Application No.: 12/161,698
PCT Application No.: PCT/IL2007/000102
Int. Filing Date: 25 January 2007
Priority Date Claimed: 27 January 2006
For: DICED WAFER ADAPTOR. . .

Dear Itzik Nissany:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314
Attorney Docket No.: 3017/13-US



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 13 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

PCT LEGAL ADMINISTRATION

In re Application of :
LIFSON, Alexander, et al. :
Application No.: 12/161,700 :
PCT No.: PCT/US2006/020509 : DECISION
Int. Filing Date: 26 May 2006 :
Priority Date: None :
Att. Doc. No.: PA05711240US;60246489PUS1 :
For: SUPERHEAT CONTROL FOR HVAC :

This decision is in response to applicants' response to the Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 22 December 2010.

BACKGROUND

On 18 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for filing the search fee, examination fee or oath or declaration after 30 months was required.

On 22 December 2010, applicant submitted a copy of the Rule 4.17 declaration that had been modified after its execution by the inventors.

DISCUSSION

Upon initial filing of the Request form in the international phase, applicants filed a Rule 4.17 declaration of the inventors for the United States. The declaration did not indicate the citizenship for Michael F. Taras. As such, it did not comply with 37 CFR 1.497(a).

The 18 November 2010 Notification correctly indicated that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge were required. The Notification did not explain that the Office was in receipt of the Rule 4.17 declaration, but that it was defective.

On 22 December 2010, applicants resubmitted the Rule 4.17 declaration, but added the international application number. The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." MPEP 605.04(a).

A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 22,2011

In re Application of :

In-Kyu Park

Application No : 12161808

Filed : 23-Jul-2008

Attorney Docket No : 0144-P0094A

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 22,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12161808	
Filing Date	23-Jul-2008	
First Named Inventor	In-Kyu Park	
Art Unit	2883	
Examiner Name	BRIAN HEALY	
Attorney Docket Number	0144-P0094A	
Title	STEREOSCOPIC IMAGE DISPLAY APPARATUS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Hyun Jong Park/
Name	Hyun Jong Park
Registration Number	59093



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of :
LECK, Thomas J. :
Application No.: 12/161,842 :
PCT No.: PCT/US2007/007477 :
Int. Filing Date: 26 March 2007 :
Priority Date: 30 March 2006 :
Attorney Docket No.: FL1213 US PCT :
For: COMPOSITIONS COMPRISING :
IODOTRIFLUOROMETHANE AND :
STABILIZERS :

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

The petition to revive under 37 CFR 1.137(b) filed 21 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075**

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :
Hjalmarsson Helgi :
Application No. 12/161,863 : **DECISION ON PETITION**
Filed: July 23, 2008 :
Attorney Docket No. EHF0102PUSA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office Communication on or before January 3, 2011, as required by the letter mailed November 1, 2010. The letter set a shortened statutory period for reply of 2 month(s). Accordingly, the date of abandonment of this application is January 4, 2011. A Notice of Abandonment was mailed January 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement Drawings; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 12, 2011

In re Application of :

Hiroaki Hayashi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12161912

Filed : 23-Jul-2008

Attorney Docket No : PRM0163US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 12, 2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2837 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12161912	
Filing Date	23-Jul-2008	
First Named Inventor	Hiroaki Hayashi	
Art Unit	2837	
Examiner Name	ANTONY PAUL	
Attorney Docket Number	PRM0163US	
Title	Motor driving circuit	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Daniel P. Lent/
Name	Daniel P. Lent
Registration Number	44867